



Agenda

Regular Meeting of the City Commission

City of Kalamazoo

Monday, August 5, 2019

7:00 PM

City Commission Chambers at City Hall - 241 W. South Street

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation
2. Pledge of Allegiance
3. Introduction of Guests
 - a. Tami Rey, NAACP NextGen Leadership Program Graduate
4. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

1. Calendar of Upcoming Meetings

E. PUBLIC HEARINGS

1. Public hearing to receive comments on a RESOLUTION approving the project plan regarding the refinancing by Heritage Community of Kalamazoo of existing 2007 EDC bonds, an existing bank loan and the financing of other major improvements through the issuance of Series 2019 Bonds and Series 2020 Bonds. **(Action: Motion to adopt the resolution)**

F. CONSENT AGENDA

(Action: Motion to approve Items "1-19"; hold Items "20 and 21"; and authorize the City Manager to sign all documents on behalf of the City)

1. Approval of a one-year contract extension with City of Kalamazoo retiree Bruce Merchant of Merchant Environmental & Regulatory Consulting Services L.L.C. for environmental consulting services for the Allied Site through December 31, 2019 at the rate of \$70 per hour for a not-to-exceed total of \$15,000.
2. Approval of an agreement between the Foundation for Excellence (FFE) and Merion Capital LLC for investment consultant services

relative to the FFE endowment in the amount of \$180,000 annually; and agree to allocate FFE funds to this purpose.

3. Approval of a 5-year term contract with UniFirst Corporation for industrial uniform rental and cleaning services for the Department of Public Services in the amount of \$200,000.
4. Approval of a one-year contract extension with Olameter for water meter reading services in the amount of \$253,636.78.
5. Approval of a change order with Hoffman Brothers for the Walnut/Pitcher Emergency Water Main Construction in the amount of \$318,481; and approval of an appropriation of funds from the Water Emergency Reserves for the same amount.
6. Approval of a contract with Wightman & Associates, Inc. for professional construction engineering services related to the Cork Street Improvements, Portage Street to Sprinkle Road, in the amount of \$506,570.
7. Approval of a professional service agreement with Jones & Henry Engineers, Ltd., who is a prequalified vendor, for design consulting services for the creation of permit, bid, and construction documents for the Tertiary Process Upgrade Project in the amount of \$900,000.
8. Approval of a contract with Peters Construction for the 2019 Streets Concrete Project in the amount of \$1,126,404.91.
9. Approval of a three-year contract with Activate Healthcare, LLC for the staffing and operation of a City employee healthcare clinic in the amount of \$2,245,206.25.
10. First reading of an ordinance to amend Chapter 15 of the Kalamazoo City Code - Fire Prevention and Protection.
11. Adoption of a RESOLUTION from the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission (MLCC) recommending approval of a Joint Off-Premises Tasting Room License for Grand Traverse Distillery, LLC with the Winery at Black Star Farms, LLC at 224 E. Michigan Avenue.
12. Approval of amendments to the FY2019 budget in the amount of \$4,792,802.

13. Acceptance of a Michigan Department of Environment, Great Lakes and Energy Drinking Water Contaminant Remediation Grant in the amount of \$1,600,000; approval of the grant agreement; and approval of a budget amendment for the same amount.
14. Approval of a request from the Kalamazoo Growlers to publicly display fireworks at Homer Stryker Field on August 9, 2019 in lieu of a previously approved display that was cancelled due to rain.
15. Approval of the Northside Cultural Business District Authority Bylaws.
16. Approval of the Mayor's appointments to boards and commissions:
 - the appointment of **Jason Novotny** to the Economic Development Corporation and Brownfield Redevelopment Authority Boards of Directors for a term expiring on March 31, 2025;
 - the appointment of **Jasmine Vedula** to the Economic Development Corporation and Brownfield Redevelopment Authority Boards of Directors for a term expiring on March 31, 2025;
 - the appointment of **Coreen Ellis** to the Planning Commission for a term expiring on March 31, 2021; and
 - the appointment of **Shardae Chambers** to the Planning Commission for a term expiring on March 31, 2022.
17. Approval of a public infrastructure easement at 901 Portage Street with Kalamazoo Loaves & Fishes for the Portage Street Improvement Project.
18. Approval of a public infrastructure easement at 1310 Portage Street with New City Church for the Portage Street Improvement Project.
19. Approval of a public infrastructure easement at 1324 Portage Street with Kalamazoo Probation Enhancement Program for the Portage Street Improvement Project.
20. Approval of a quit claim deed for property at 1301 Portage Street with Kalamazoo County Land Bank for the Portage Street Improvement Project. *(Hold until August 19, 2019)*

21. Approval of a quit claim deed for property at 1311 Portage Street with Kalamazoo County Land Bank for the Portage Street Improvement Project. *(Hold until August 19, 2019)*

G. REGULAR AGENDA

H. REPORTS AND LEGISLATION

1. City Manager's Report

I. UNFINISHED BUSINESS

J. POLICY ITEMS

K. NEW BUSINESS

L. CITIZEN COMMENTS

M. MISCELLANEOUS COMMENTS BY COMMISSIONERS

N. CLOSED SESSION

O. ADJOURNMENT

ADDITIONAL INFORMATION

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Questions regarding agenda items may be answered prior to the meeting by contacting the City Manager's Office at 269.337.8047.

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Agendas for the regular meetings of the Kalamazoo City Commission are available on the Internet at: www.kalamazoocity.org

The Kalamazoo City Commission business meetings are held on the first and third Mondays at 7:00 p.m. and are shown live on the Public Media Network (channel 190 for Charter customers, channel 99 for U-Verse customers). Business meetings are also web streamed live on the City's YouTube channel at <https://goo.gl/Q6DW37>. Public Media Network rebroadcasts these meetings on Tuesdays at 8:00 a.m., Wednesdays, at 1:00 a.m., and Thursdays at 3:00 p.m. Recorded meetings are also available on-demand on the YouTube channel.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: Scott A. Borling, City Clerk

PREPARED BY: Shelby Moss, Deputy City Clerk

DATE: 6/11/2019

SUBJECT: Calendar of Upcoming Meetings

INFORMATIONAL ITEMS

Attached is the calendar of upcoming meetings of the City Commission's advisory boards, commissions, and committees.

ATTACHMENTS:

Type	Description
Meeting Schedule	Calendar of Meetings



Calendar of Upcoming Meetings

City of Kalamazoo

City Commission (next 30 days)

Regular Business Meetings – 7:00 p.m. in the City Commission Chambers

Monday, August 19th and Tuesday, September 3rd

Regular Neighborhood Meetings – 6:00 p.m. in the Community Room at City Hall

August 19th

Advisory Boards, Commissions and Committees (next two weeks)

The **Tree Committee** will meet on Tuesday, August 6, 2019 at 2:00 p.m., in the Public Services Conference Room, located at 415 Stockbridge Avenue.

The **Parks and Recreation Advisory Board** will meet on Tuesday, August 6, 2019 at 5:30 p.m., at Henderson Tot Lot, located at 1650 Henderson Ct.

The **Community Development Act Advisory Committee** will meet on Thursday, August 8, 2019 at 6:30 p.m., in the Community Room at City Hall.

The **Natural Features Protection Review Board** will meet on Tuesday, August 13, 2019 at 4:00 p.m. in the Community Room at City Hall.

The **Citizen-Public Safety Review and Appeals Board** will meet on Tuesday, August 13, 2019 at 6:00 p.m. in the Parks and Recreation Community Room at Mayors' Riverfront Park, located at 251 Mills Street.

The **Economic Development Corporation** will meet on Thursday, August 15, 2019 at 7:30 a.m., in the Community Room at City Hall. The **Brownfield Redevelopment Authority Board** will meet immediately following.

The **Building Board of Appeals** will meet on Thursday, August 15, 2019 at 4:00 p.m., in the Commission Chambers at City Hall.

The **Northside Cultural Business District Authority Board** will meet on Thursday, August 15, 2019 at 6:00 p.m., at the Northside Association for Community Development, located at 612 N. Park Street.

The **Downtown Development Authority Board** will meet on Monday, August 19, 2019 at 3:00 p.m., in the Community Room at City Hall. The **Downtown Economic Growth Authority Board** will meet immediately following.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Clyde J. Robinson, City Attorney

PREPARED BY: John W. Kneas, BRA/EDC Counsel

DATE: 7/24/2019

SUBJECT: Heritage Community of Kalamazoo Bond Refinancing-Economic Development Corporation:
Approval of Project Plan

RECOMMENDATION

It is recommended that the City Commission adopt a resolution to approve the project plan regarding the refinancing by Heritage Community of Kalamazoo (Heritage) of existing 2007 EDC bonds, existing bank loan and the financing of other major improvements through the issuance of Series 2019 Bonds and Series 2020 Bonds.

BACKGROUND

In 2007 the City of Kalamazoo Economic Development Corporation (EDC) approved the issuance of Series 2007 Bonds for Heritage that was used to refinance Series 2004 Bonds. Heritage is again requesting the approval by EDC for the issuance of Series 2019 Bonds and Series 2020 Bonds for the following purposes:

Series 2019 Bonds – maximum amount of \$23,000,000

- refinance 2007 EDC Bonds
- refinance Bank Loan which was used to make renovations to Upjohn Community Care Center
- finance additional improvements to various facilities
- fund debt service reserve for 2019 Bonds
- pay costs of issuance for 2019 Bonds

Series 2020 Bonds – maximum amount of \$60,000,000

- finance construction and equipping of 62 independent living apartments and site improvements to replace the 73 independent living apartments which will be demolished
- fund debt service reserve for 2020 Bonds
- pay costs of issuance for 2020 Bonds

Under the provisions of Act 338, Michigan Public Acts of 1974 (Act 338), the following actions have already been taken:

On June 13, 2019 EDC adopted an Inducement Resolution;

On June 17, 2019 the City Commission adopted Resolution No. 19-37 to designate the project area, project district area boundaries and appointment of 2 special directors;

On July 18, 2019 EDC (including the 2 special directors) adopted the Resolution Approving Project Plan.

Following the public hearing before the City Commission to approve the Project Plan and authorize EDC to issue the Series 2019 Bonds and Series 2020 Bonds, EDC will meet on August 15, 2019 to adopt a resolution authorizing the issuance of Series 2019 Bonds. (The authorization of the Series 2020 Bonds will occur sometime next year when Heritage has more firm details on the design and costs for the construction of the 62 new independent living units – those bonds not to exceed \$60,000,000.)

The attached resolution to approve the Project Plan includes a correction in the legal descriptions for the project area designation and project district area boundaries that were caught by the City Assessor's office subsequent to the adoption of Resolution No. 19-37 and confirmed by Heritage. In the opinion of bond counsel, the notice of this public hearing (Exhibit D in Resolution No. 19-37) was sufficient to provide adequate notice to the public of the hearing's purpose.

COMMUNITY RESOURCES CONSULTED

Given the nature of the request by Heritage, no community resources were consulted.

FISCAL IMPACT

No impact to City's Funds.

ALTERNATIVES

With the assistance of Miller Canfield, as bond counsel for the EDC, the proposed action is recommended. If the City Commission chooses to reject the proposed action, Heritage will not be able to make the necessary improvements to its facilities, especially the planned independent living apartments.

ATTACHMENTS:

Type	Description
□ Resolution	City Commission Resolution
□ Aerial Photo	EDC Resolution Approving Project Plan

City of Kalamazoo
County of Kalamazoo, State of Michigan

RESOLUTION APPROVING PROJECT PLAN SUBMITTED BY
THE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF KALAMAZOO
(Heritage Community of Kalamazoo Project)

Minutes of a regular meeting of the City Commission of the City of Kalamazoo, County of Kalamazoo, State of Michigan, held on August 5, 2019, at 7:00 p.m., prevailing Eastern Time.

PRESENT: Commissioners _____

ABSENT: Commissioners _____

The following preamble and resolution were offered by Commissioner _____
and supported by Commissioner _____:

RECITALS:

A. There exists in the City of Kalamazoo, County of Kalamazoo, State of Michigan (the “City”), the need for certain programs to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises in order to strengthen and revitalize the City’s economy and to encourage the location and expansion of industrial and commercial enterprises to provide needed services and facilities to the City and its residents; and

B. A program to alleviate those conditions and accomplish those purposes through financing of (1) the acquisition, construction, furnishing and equipping of new independent living facilities together with parking and site improvements, (2) the renovation and equipping of certain existing facilities for use by Heritage Community of Kalamazoo, a Michigan non-profit corporation, and its subsidiaries (collectively, the “Borrower”), and (3) the refinancing of certain indebtedness of the Borrower, including a portion of The Economic Development Corporation of the City of Kalamazoo Limited Obligation Revenue Refunding Bonds, Series 2007 (Heritage Community of Kalamazoo Project) which were issued for the benefit of the Borrower (together the “Project”), has been initiated by The Economic Development Corporation of the City of Kalamazoo (the “EDC”); and

C. EDC in conformity with Act 338, Public Acts of Michigan, 1974, as amended (“Act 338”), has caused to be prepared a Project Plan (the “Project Plan”) containing all information required by Act 338 for the undertaking by the Borrower of the Project and for the participation by the EDC in the financing of the costs of the Project and the refinancing of the indebtedness of the Borrower through the issuance by the EDC of its limited obligation revenue and revenue refunding bonds, in multiple series, in the aggregate principal amount of not to exceed Eighty-Three Million Dollars (\$83,000,000) (the “Bonds”); and

D. EDC has approved the Project Plan and has submitted the Project Plan to the City Commission for approval; and

E. On August 5, 2019, the City Commission conducted a public hearing on the Project Plan and on the proposed issuance by the EDC of the Bonds pursuant to Act 338 and the Internal Revenue Code of 1986, as amended (the "Code").

NOW, THEREFORE, IT IS RESOLVED THAT:

1. Based upon the information submitted, the Project Plan serves to strengthen and revitalize the City's economy and to provide needed services and facilities to the City and its residents, and therefore constitutes a public purpose.

2. The Project Plan, as attached hereto as Exhibit A and made a part hereof, meets the requirements set forth in Section 8(4) of Act 338, and is hereby approved, with the modifications to the Project Area set forth in Exhibit B attached hereto.

3. The persons who will be active in the management of the Project for not less than one year after approval of the Project Plan have sufficient ability and experience to manage the Project Plan properly.

4. The proposed method of financing the costs of the Project as described in the Project Plan is feasible and the EDC has the ability to arrange, or cause to be arranged, the financing.

5. The Project as submitted is reasonable and necessary to carry out the purposes of Act 338.

6. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Commission of the City hereby approves of the issuance, sale and delivery of the Bonds by the EDC, in multiple series, in the aggregate principal amount of not to exceed Eighty-Three Million Dollars (\$83,000,000).

7. The description of the Project Area and Project District Area as set forth in Resolution No. 19-37 is amended to eliminate one parcel that was included in the original description and the corrected Project Area and Project District Area is described in attached Exhibit B.

8. All resolutions and parts of resolution insofar as they conflict with the provisions of this resolution are rescinded.

AYES: Commissioners _____

NAYS: Commissioners _____

RESOLUTION DECLARED ADOPTED.

Scott A. Borling
Clerk, City of Kalamazoo

I certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo, County of Kalamazoo, State of Michigan, at a regular meeting held on August 5, 2019, and the meeting was conducted and public notice of the meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of this meeting were kept and will be or have been made available as required by the Act.

Scott A. Borling
Clerk, City of Kalamazoo

EXHIBIT A

[ATTACH PROJECT PLAN]

THE ECONOMIC DEVELOPMENT CORPORATION
OF THE CITY OF KALAMAZOO
(the "Corporation")

HERITAGE COMMUNITY OF KALAMAZOO,
and its subsidiaries
(the "Applicant")

PROJECT PLAN*

* This Project Plan was prepared pursuant to and in accordance with the Economic Development Corporations Act, P.A. 338 of Michigan Public Acts of 1974, as amended ("Act"); it compiles and organizes the requisite information according to the specifications of Section 8(4) of the Act.

A. SECTION 8 (4) (a) Requires:

THE LOCATION AND EXTENT OF EXISTING STREETS AND OTHER PUBLIC FACILITIES WITHIN THE PROJECT DISTRICT AREA AND SHALL DESIGNATE THE LOCATION, CHARACTER, AND EXTENT OF THE CATEGORIES OF PUBLIC AND PRIVATE LAND USES THEN EXISTING AND PROPOSED FOR THE PROJECT AREA, INCLUDING RESIDENTIAL, RECREATIONAL, COMMERCIAL, INDUSTRIAL, EDUCATIONAL, AND OTHER USES AND SHALL INCLUDE A LEGAL DESCRIPTION OF THE PROJECT AREA.

1. Location and extent of existing streets and other public facilities within the Project District Area:

The Project is located within the City of Kalamazoo. The Project District Area is bordered on the east by Portage Street and on the north by Phillips Street. Golden Drive, Rotary Drive and Ostrander Street are located within the Project District Area.

2. Designation of the location, character, and extent of the categories of public and private land uses presently existing within the Project Area:

Project Area is currently being used by Applicant and its affiliates as a senior continuing care retirement community with 86 independent living units, 105 assisted living units, 37 memory care units and 90 skilled nursing units. The Project Area includes 73 independent living apartments that are in the process of being demolished.

3. Designation of the location, character, and extent of the categories of public and private land uses proposed for the Project Area:

Applicant proposes to add an additional 62 independent living units and renovate and equip certain existing facilities.

4. See Exhibit A for a legal description of the Project Area.

B. SECTION 8 (4) (b) Requires:

A DESCRIPTION OF EXISTING IMPROVEMENTS IN THE PROJECT AREA TO BE DEMOLISHED, REPAIRED, OR ALTERED, A DESCRIPTION OF REPAIRS AND ALTERATIONS, AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION.

1. Description of existing improvements in the Project Area:

Project Area is currently being used by Applicant and its affiliates as a senior continuing care retirement community with 86 independent living units, 105 assisted living units, 37 memory care units and 90 skilled nursing units. The Project Area includes 73 independent living apartments that are in the process of being demolished.

2. Description of anticipated repairs and alterations:

Demolition of existing 73 independent living apartments. Acquisition, construction, furnishing and equipping of 62 new independent living apartments together with related parking and site improvements. Renovation and equipping of certain existing facilities.

3. Estimate of time required for completion of above:

Demolition of existing independent living apartments is expected to be completed in 2020.

Construction of 62 new assisted living apartments is anticipated to begin in late 2020 with an estimated 18 month construction timeline.

Renovation and equipping of existing facilities is expected to commence in 2019 and continue over the next three years.

C. SECTION 8 (4) (c) Requires:

THE LOCATION, EXTENT, CHARACTER, AND ESTIMATED COST OF THE IMPROVEMENTS INCLUDING REHABILITATION CONTEMPLATED FOR THE PROJECT AREA AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION.

1. Location of repairs, alterations and improvements:

2300 Portage Street, 2400 Portage Street, 500 Golden Drive and 600 Phillips Street

2. Description of extent and character of repairs, alterations, and improvements:

Demolition of existing 73 independent living apartments. Acquisition, construction, furnishing and equipping of 62 new independent living apartments together with related parking and site improvements. Renovation and equipping of certain existing facilities.

3. Estimate of time required for completion:

Demolition: 18 months

Site Development & Construction of new ILUs: 30 months

Renovation/Equipping of existing facilities: 36 months

4. Estimated cost of improvements:

Series 2019 Bonds*

Site Improvements	\$715,000
Renovations	1,630,000
Furniture and Equipment	840,000
Debt Service Reserve Fund	1,410,000
Costs of Issuance	<u>575,000</u>
TOTAL	\$5,170,000

*Series 2019 Bonds also includes the refunding of the Corporation's Limited Obligation Revenue Refunding Bonds, Series 2007 (Heritage Community of Kalamazoo Project) which were issued on behalf of the Applicant and the refinancing of a loan from Mercantile Bank that was used to renovate the Harold & Grace Upjohn Community Care Center.

Series 2020 Bonds

Site Improvements	\$1,800,000
Construction	30,100,000
Furniture and Equipment	1,520,000
Project Contingency	11,000,000
Marketing	2,400,000
Other Development Costs	4,600,000
Capitalized Interest	4,275,000
Debt Service Reserve Fund	2,640,000
Costs of Issuance	<u>1,665,000</u>
TOTAL	\$60,000,000

The cost of improvements in excess of the proceeds of the each series of bonds to be issued by the Corporation will be paid by the Applicant.

D. SECTION 8 (4) (d) Requires:

A STATEMENT OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED, AND THE ESTIMATED TIME OF COMPLETION OF EACH STAGE.

Site Development - 12 months

Construction - 18 months

Total - 30 months

E. SECTION 8 (4) (e) Requires:

A DESCRIPTION OF THE PARTS OF THE PROJECT AREA TO BE LEFT AS OPEN SPACE AND THE USE CONTEMPLATED FOR THE SPACE.

Following completion of the Project, a portion of the Project Area of approximately 1.75 acres will be available for future development. However, at this time, there are no specific development plans for the vacant land.

F. SECTION 8 (4) (f) Requires:

A DESCRIPTION OF ANY PORTIONS OF THE PROJECT AREA WHICH THE CORPORATION DESIRES TO SELL, DONATE, EXCHANGE, OR LEASE TO OR FROM THE MUNICIPALITY AND THE PROPOSED TERMS.

None. The Corporation will enter into a Loan Agreement for each series of bonds with the Applicant pursuant to which the Applicant will construct the Project.

G. SECTION 8 (4) (g) Requires:

A DESCRIPTION OF DESIRED ZONING CHANGES AND CHANGES IN STREETS, STREET LEVELS, INTERSECTIONS, AND UTILITIES.

1. A description of desired zoning changes:

None

2. A description of desired changes in streets, street levels, intersections and utilities:

None

H. SECTION 8 (4) (h) Requires:

A STATEMENT OF THE PROPOSED METHOD OF FINANCING THE PROJECT, INCLUDING, EXCEPT AS PROVIDED IN SECTION 6a OF THE ACT, A STATEMENT BY A PERSON DESCRIBED IN SECTION J OF THIS PROJECT PLAN INDICATING THE PAYMENT TO ALL PERSONS PERFORMING WORK ON THE CONSTRUCTION PROJECT OF THE PREVAILING WAGE AND FRINGE BENEFIT RATES FOR THE SAME OR SIMILAR WORK IN THE LOCALITY IN WHICH THE WORK IS TO BE PERFORMED, AND A STATEMENT OF THE ABILITY OF THE CORPORATION TO ARRANGE THE FINANCING. (THE PREVAILING WAGE AND FRINGE BENEFIT RATES SHALL BE DETERMINED PURSUANT TO ACT NO. 166 OF THE PUBLIC ACTS OF 1965, AS AMENDED, BEING SECTIONS 408.551 TO 408.558 OF THE MICHIGAN COMPILED LAWS. A CORPORATION MAY CONCLUSIVELY RELY UPON THE STATEMENT REQUIRED UNDER THIS SUBSECTION AS TO COMPLIANCE WITH THE PAYMENT OF PREVAILING WAGE AND FRINGE BENEFIT RATES AND ANY CONTRACTS, BONDS OR NOTES OF ANY CORPORATION ENTERED INTO OR ISSUED UPON RELIANCE ON ANY SAID STATEMENT SHALL NOT BE SUBSEQUENTLY VOIDED BY REASON OF THE FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION.)

1. Certification relating to prevailing wage and fringe benefit rates.

Not applicable.

2. Statement of the ability of the Corporation to arrange the financing. See Exhibit B attached hereto for financing detail.

I. SECTION 8 (4) (i) Requires:

A LIST OF PERSONS WHO WILL MANAGE OR BE ASSOCIATED WITH THE MANAGEMENT OF THE PROJECT FOR A PERIOD OF NOT LESS THAN ONE (1) YEAR FROM THE DATE OF APPROVAL OF THE PROJECT PLAN.

1. Jay Prince, President and Chief Executive Officer
2. Rachel Olmsted, Chief Financial Officer

J. SECTION 8 (4) (j) Requires:

DESIGNATION OF THE PERSON OR PERSONS, NATURAL OR CORPORATE, TO WHOM THE PROJECT IS TO BE LEASED, SOLD, OR CONVEYED AND FOR WHOSE BENEFIT THE PROJECT IS BEING UNDERTAKEN IF THAT INFORMATION IS AVAILABLE TO THE CORPORATION.

The Corporation will loan bond proceeds to the Applicant to finance the construction of the Project. The Project is being undertaken for the benefit of the Applicant and its subsidiaries.

K. SECTION 8 (4) (k) Requires:

IF THERE IS NOT AN EXPRESS OR IMPLIED AGREEMENT BETWEEN THE CORPORATION AND PERSONS, NATURAL OR CORPORATE, THAT THE PROJECT WILL BE LEASED, SOLD, OR CONVEYED TO THOSE PERSONS, THE PROCEDURES FOR BIDDING FOR THE LEASING, PURCHASING, OR CONVEYING OF THE PROJECT UPON ITS COMPLETION.

The Corporation will enter into a Loan Agreement for each series of bonds with the Applicant pursuant to which the Applicant will construct the Project.

L. SECTION 8 (4) (l) Requires:

ESTIMATES OF THE NUMBER OF PERSONS RESIDING IN THE PROJECT AREA AND THE NUMBER OF FAMILIES AND INDIVIDUALS TO BE DISPLACED. IF OCCUPIED RESIDENCES ARE DESIGNATED FOR ACQUISITION AND CLEARANCE BY THE CORPORATION, A PROJECT PLAN SHALL INCLUDE A SURVEY OF THE FAMILIES AND INDIVIDUALS TO BE DISPLACED, INCLUDING THEIR INCOME AND RACIAL COMPOSITION, A STATISTICAL DESCRIPTION OF THE HOUSING SUPPLY IN THE COMMUNITY, INCLUDING THE NUMBER OF PRIVATE AND PUBLIC UNITS IN EXISTENCE OR UNDER CONSTRUCTION, THE CONDITION OF THOSE IN EXISTENCE, THE NUMBER OF OWNER-OCCUPIED AND RENTER-OCCUPIED UNITS, THE ANNUAL RATE OF TURNOVER OF THE VARIOUS TYPES OF HOUSING AND THE RANGE OF RENTS AND SALE PRICES, AN ESTIMATE OF THE TOTAL DEMAND FOR HOUSING IN THE COMMUNITY, AND THE ESTIMATED CAPACITY OF PRIVATE AND PUBLIC HOUSING AVAILABLE TO DISPLACED FAMILIES AND INDIVIDUALS.

There are approximately 300 residents residing in the Project Area. As part of the construction of the 62 new independent living apartments, residents of the existing independent living apartments, which was a HUD 236 subsidized facility, were relocated to other local HUD communities through the HUD Voucher program.

M. SECTION 8 (4) (m) Requires:

A PLAN FOR ESTABLISHING PRIORITY FOR THE RELOCATION OF PERSONS DISPLACED BY THE PROJECT IN NEW HOUSING IN THE PROJECT AREA.

All residents of the existing independent living apartments that are in the process of being demolished, which was a HUD 236 subsidized facility, were relocated to other local HUD communities through the HUD Voucher program.

N. SECTION 8 (4) (n) Requires:

PROVISION FOR THE COSTS OF RELOCATING PERSONS DISPLACED BY THE PROJECT AND FINANCIAL ASSISTANCE AND REIMBURSEMENT OF EXPENSES, INCLUDING LITIGATION EXPENSES AND EXPENSES INCIDENT TO THE TRANSFER OF TITLE, IN ACCORDANCE WITH THE STANDARD AND PROVISIONS OF THE FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, 42 U.S.C. 4601 to 4655.

Not applicable

O. SECTION 8 (4) (o) Requires:

A PLAN FOR COMPLIANCE WITH ACT NO. 227, OF THE PUBLIC ACTS OF 1972, BEING SECTIONS 213.321 TO 213.332 OF THE MICHIGAN COMPILED LAWS.

Not applicable

P. SECTION 8 (4) (p) Requires:

OTHER MATERIAL AS THE CORPORATION, LOCAL PUBLIC AGENCY,
OR GOVERNING BODY CONSIDERS PERTINENT.

1. At the time of the preparation of this Plan and its consideration by the Corporation, the Applicant does not intend to operate nor will it operate the Project in a manner which will have the effect of transferring employment of more than 20 full-time persons from a Michigan municipality to the City of Kalamazoo without having first obtained a resolution of consent to the loss of such employment from the governing body of each municipality from which employment is to be transferred. It is anticipated by the Applicant that the Project will: [check appropriate line]

- ☐ a. Retain ☐ jobs
☒ b. Create 11.5 FTE jobs

2. The Applicant has neither entered into binding commitments nor expended funds in connection with the Project to be repaid with the proceeds of bonds to be issued by the Corporation prior to May 30, 2017, being the date of the adoption of the Applicant's reimbursement resolution.

I certify that the foregoing Project Plan is complete, accurate and contains no misstatements of fact.

HERITAGE COMMUNITY OF KALAMAZOO

By 
Rachel Olmsted
Its Chief Financial Officer

Date: July 18, 2019

EXHIBIT "A"

A legal description of the Project Area, being the real property on which the Project is located:

Parcel 1

Common Name: Wyndham
Street Address: 2300 Portage Street
Parcel Number: 06-27-298-002

Legal description: Commencing at the East 1/4 corner of Section 27 Town 2 South Rang 11 West; thence North 89deg 55min 00sec West 46.98ft along E&W 1/4 line of Section 27 to west line of Portage Street to the point of beginning for the following; thence North 14deg 58min 12sec West 307.6ft to south line of Phillips Street; thence North 89deg 55min 00sec West 392.0ft along the south line of Phillips Street; thence South 00deg 07min 44sec West 80.0ft; thence South 89deg 52min 16sec East 5.0ft; thence South 00deg 07min 44sec West 217.0ft to said East & West 1/4 line; thence South 89deg 55min 00sec East 472ft more-or-less along said East & West 1/4 line to the point of beginning.

Parcel 2

Common Name: Employee Parking/Maintenance Garage
Street Address: 518 Phillips Street
Parcel Number: 06-27-296-036

Legal Description: DELOS PHILLIPS ADDITION, Liber 3 of Plats Page 19; Lot 35. Lot 36. Lot 37.

Parcel 3

Common Name: Amber Way/Wyndham West
Street Address: 600 Phillips Street
Parcel Number: 06-27-297-002

Legal Description: Part of DONALD C OSBORN'S SUBDIVISION ON LOTS 40 TO 43 OF DELOS PHILLIPS ADDITION, Liber 8 of Plats Page 14 described as follows: Commencing at the East 1/4 corner of Section 27, Town 2 South Range 11 West; thence North 89deg 55min 00sec West 46.98ft along the East & West 1/4 line of Section 27 to the west line of Portage Street, thence North 14deg 58min 12sec West 307.6ft to the south line of Phillips Street; thence North 89deg 57min 45sec West 392.0ft along the south line of Phillips Street to point of beginning for the following: thence South 00deg 7min 44sec West 80.0ft; thence South 89deg 52min 16sec East 5.0ft, thence South 00deg 07min 44sec West 217.0ft to the East & West 1/4 line; thence North 89deg 55min 00sec West 229.27ft to the southwest corner of Lot 9 of said SUBDIVISION; thence North 00deg 3min 0sec E 297.0ft to the south line of Phillips Street, thence South 89deg 55min 00sec East 224.54ft to the point of beginning Parcel contains approximately 1.55 Acres.

Parcel 4

Common Name: Harold & Grace Upjohn
Street Address: 2400 Portage Street
Parcel Number: 06-27-428-002

Legal Description: A parcel of land situated in the Southeast quarter of Section 27, and the Southwest quarter of Section 26, Town 2 South Range 11 West, being more particularly described as follows:

Commencing at the East quarter corner of Section 27. Town 2 South Range 11 West.; thence North 89 deg 55 min West 46.98ft along the East and West quarter line of said Section to the West line of Portage Street and the point of beginning; thence North 89deg 55min West 539.34ft along said quarter line to the southwest corner of Lot 8 of Donald C. Osborn's Subdivision, Liber 8 of Plats Page 14; thence South 00deg 05min West 323.14ft perpendicular with said East and West quarter line to the North line of the Plat of Homecrest No. 1., Liber 12 of Plats Page 19; thence South 89deg 55min East 46.02ft along said north line to the northwest corner of Outlot "B" of said Homecrest No. 1; thence Southerly 2.00ft along the west line of said Outlot to its southwest corner and the north line of Homecrest Avenue; thence South 89deg 55min East 120.56ft along said north line; thence Easterly 50.0ft along said north line along the arc of a 21.0796 degree curve to the right to the southeast corner of said Outlot; thence Northerly 6.68ft along the east line of said Outlot to its northeast corner; thence South 89deg 55min East 420.91ft along said North line of Homecrest No. 1 to the west line of Portage Street; thence North 16deg 39min 16sec West 337.38ft along said west line to the point of beginning.

Parcel 5

Common Name: Golden Age Nonprofit (Formerly Heritage Hills)
Street Address: 500 Golden Drive
Parcel Number: 06-27-425-002

Legal Description: Commencing at the East 1/4 corner of Section 27, Town 2 South Range 11 West; thence North 89deg 55min 00sec West 809.72ft along the East & West 1/4 line of Section 27 to the southwest corner of Lot 39 of Delos Phillips Addition, Liber 3 of Plats Page 19, and the point of beginning for the following: thence South 00deg 03min 00sec West 51.35ft; thence South 14deg 53min 23sec West 280.99ft to the north line of the Plat of Homecrest #2, Liber 24 of Plats Page 1; thence North 89deg 55min 00sec West 829.95ft along the north line of the Plat of Homecrest #2; thence North 03deg 30min 55sec West 205.51ft; thence North 35deg 37min 00sec West 145.19ft to the East & West 1/4 line of Section 27; thence South 89deg 55min 00sec East 669.35ft along the East & West 1/4 of Section 27 to the southwest corner of Lot 34 of Delos Phillips Addition; thence North 00deg 03min 00sec East 297.0ft along the west line of Lot 34 to the northwest corner of Lot 34; thence South 89deg 55min 00sec East 66ft along the north line of Lot 34; thence South 00deg 03min 00sec West 297.0ft along the east line of Lot 34 to the southeast corner of Lot 34; thence South 89deg 55min 00sec East 264ft to the point of beginning. Also including all land lying between the west line of above parcel and the easterly bank of Bryant Mill Pond. Parcel contains approximately 7.09 Acres.

EXHIBIT "B"

1. Issuer: The Economic Development Corporation of the City of Kalamazoo.
2. Applicant (for the benefit of whom/which the bonds are issued): Heritage Community of Kalamazoo, and its subsidiaries
3. Total principal amount of the bonds to be issued with respect to the Project: Not to exceed \$83,000,000 in aggregate, to be issued in two series (Series 2019 Bonds and Series 2020 Bonds). Series 2019 Bonds includes the refunding of the Corporation's Limited Obligation Revenue Refunding Bonds, Series 2007 (Heritage Community of Kalamazoo Project) which were issued on behalf of the Applicant.
4. Interest rates: The Bonds will bear interest at fixed rates to be determined at time of sale of each series of bonds.
5. Maturity schedule: Not to exceed to twenty (20) years for Series 2019 Bonds and not to exceed forty (40) years for Series 2020 Bonds.
6. Purchase price of bonds: 98.5% (approximate).
7. Purchaser(s) or Underwriter: B.C. Ziegler and Company.
8. Method of Sale: (choose one)
 - a. private placement _____.
 - b. public offering x .
9. Additional security: Pledge of gross revenues; debt service reserve fund and other funds and accounts held by the Trustee under the Indenture.
10. Additional bonds are permitted to be issued under certain circumstances, and may require that the Applicant meet certain quantitative tests.

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EXHIBIT B

Project Area and Project District Area

A legal description of the Project Area and Project District Area, being the real property on which the Project is located:

Parcel 1

Common Name: Wyndham
Street Address: 2300 Portage Street
Parcel Number: 06-27-298-002

Legal description: Commencing at the East 1/4 corner of Section 27 Town 2 South Rang 11 West; thence North 89deg 55min 00sec West 46.98ft along E&W 1/4 line of Section 27 to west line of Portage Street to the point of beginning for the following; thence North 14deg 58min 12sec West 307.6ft to south line of Phillips Street; thence North 89deg 55min 00sec West 392.0ft along the south line of Phillips Street; thence South 00deg 07min 44sec West 80.0ft; thence South 89deg 52min 16sec East 5.0ft; thence South 00deg 07min 44sec West 217.0ft to said East & West 1/4 line; thence South 89deg 55min 00sec East 472ft more-or-less along said East & West 1/4 line to the point of beginning.

Parcel 2

Common Name: Employee Parking/Maintenance Garage
Street Address: 518 Phillips Street
Parcel Number: 06-27-296-036

Legal Description: DELOS PHILLIPS ADDITION, Liber 3 of Plats Page 19; Lot 35. Lot 36. Lot 37.

Parcel 3

Common Name: Amber Way/Wyndham West
Street Address: 600 Phillips Street
Parcel Number: 06-27-297-002

Legal Description: Part of DONALD C OSBORN'S SUBDIVISION ON LOTS 40 TO 43 OF DELOS PHILLIPS ADDITION, Liber 8 of Plats Page 14 described as follows: Commencing at the East 1/4 corner of Section 27, Town 2 South Range 11 West; thence North 89deg 55min 00sec West 46.98ft along the East & West 1/4 line of Section 27 to the west line of Portage Street, thence North 14deg 58min 12sec West 307.6ft to the south line of Phillips Street; thence North 89deg 57min 45sec West 392.0ft along the south line of Phillips Street to point of beginning for the following: thence South 00deg 7min 44sec West 80.0ft; thence South 89deg 52min 16sec East 5.0ft, thence South 00deg 07min 44sec West 217.0ft to the East & West 1/4 line; thence North 89deg 55min 00sec West 229.27ft to the southwest corner of Lot 9 of said SUBDIVISION; thence North 00deg 3min 0sec E 297.0ft to the south line of Phillips Street, thence South 89deg 55min 00sec East 224.54ft to the point of beginning Parcel contains approximately 1.55 Acres.

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Parcel Number: 06-27-428-002

Legal Description: A parcel of land situated in the Southeast quarter of Section 27, and the Southwest quarter of Section 26, Town 2 South Range 11 West, being more particularly described as follows:

Commencing at the East quarter corner of Section 27. Town 2 South Range 11 West.; thence North 89 deg 55 min West 46.98ft along the East and West quarter line of said Section to the West line of Portage Street and the point of beginning; thence North 89deg 55min West 539.34ft along said quarter line to the southwest corner of Lot 8 of Donald C. Osborn's Subdivision, Liber 8 of Plats Page 14; thence South 00deg 05min West 323.14ft perpendicular with said East and West quarter line to the North line of the Plat of Homecrest No. 1., Liber 12 of Plats Page 19; thence South 89deg 55min East 46.02ft along said north line to the northwest corner of Outlot "B" of said Homecrest No. 1; thence Southerly 2.00ft along the west line of said Outlot to its southwest corner and the north line of Homecrest Avenue; thence South 89deg 55min East 120.56ft along said north line; thence Easterly 50.0ft along said north line along the arc of a 21.0796 degree curve to the right to the southeast corner of said Outlot; thence Northerly 6.68ft along the east line of said Outlot to its northeast corner; thence South 89deg 55min East 420.91ft along said North line of Homecrest No. 1 to the west line of Portage Street; thence North 16deg 39min 16sec West 337.38ft along said west line to the point of beginning.

Parcel 5

Common Name: Golden Age Nonprofit (Formerly Heritage Hills)
Street Address: 500 Golden Drive
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The Economic Development Corporation
of the City of Kalamazoo

RESOLUTION APPROVING PROJECT PLAN
(Heritage Community of Kalamazoo Project)

Minutes of a regular meeting of the Board of Directors of the Economic Development Corporation of the City of Kalamazoo (the "Corporation"), held on July 18, 2019, at 7:30 a.m., local time, at the Kalamazoo City Hall.

PRESENT: Directors Nathan Bolton; Fritz Brown; Jim Escamilla; Kyle Gulau; Kevan Hess; Bob Miller; Patti Owens; Tom Schlueter; Nancy Troff; Special Director Donald Neeppkin; Special Director Howard Barkley

ABSENT: Directors Mayor Bobby J. Hopewell; Doug Phillips

The following preamble and resolution were offered by Director Schlueter and supported by Director Troff:

RECITALS:

A. There exists in the City of Kalamazoo, County of Kalamazoo, Michigan (the "City") the need for certain programs to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises in order to strengthen and revitalize the City's economy and to encourage the location and expansion of industrial and commercial enterprises to provide needed services and facilities to the City and its residents; and

B. A program to alleviate the aforesaid conditions has been initiated by the Corporation; and

C. The Corporation in conformity with Act No. 338, Public Acts of Michigan, 1974, as amended ("Act No. 338"), and the Internal Revenue Code of 1986, as amended (the "Code"), has prepared a project plan (the "Project Plan"), providing all information and requirements necessary for a project to be undertaken for the benefit of Heritage Community of Kalamazoo, a Michigan

non-profit corporation, and its subsidiaries (the “Project”), including the issuance of revenue bonds and/or revenue refunding bonds by the Corporation (the “Bonds”).

NOW, THEREFORE, IT IS RESOLVED THAT:

1. The Project Plan, as attached hereto and made a part hereof, meets the requirements set forth in Section 8(4) of Act No. 338, and is hereby adopted and approved.

2. The persons who will be active in the management of the project for not less than one year after approval of the Project Plan have sufficient ability and experience to manage the Project properly.

3. The proposed methods of financing the Project as outlined in the Project Plan are feasible and this Corporation has the ability to arrange, or cause to be arranged, the financing.

4. The Project as submitted is reasonable and necessary to carry out the purposes of Act No. 338.

5. Based upon the information submitted and obtained, the Project Plan as submitted and the Project to which it relates serves to strengthen and revitalize the City’s economy and to provide needed services and facilities to the City and its residents and, therefore, constitutes a vital and necessary public purpose.

6. The Secretary of this Board (the “Secretary”) shall convey this resolution and the Project Plan to the City Commission of the City for its review.

7. The Secretary is directed to certify to the City Commission of the City that upon advice of the Project’s applicant and upon this Board’s investigation the Project will not have the effect of transferring employment of more than 20 full-time persons from another Michigan municipality to the City, without such other municipality consenting to the transfer of employment in accordance with Act No. 338.

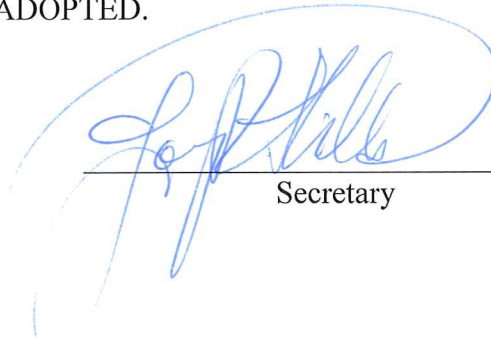
8. All resolutions and parts of any other resolution insofar as they conflict with the provisions of this resolution are rescinded.

AYES: Directors Bolton; Brown; Gulau; Hess; Owens; Schlueter; Troff; Barkley; Neeppin

NAYS: NONE

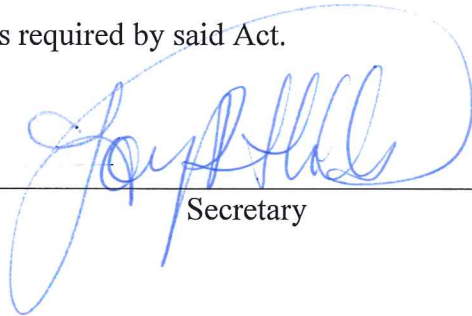
ABSTAIN: Directors Escamilla; Miller

RESOLUTION DECLARED ADOPTED.

A handwritten signature in blue ink, appearing to read "L. P. Mills", is written over a horizontal line.

Secretary

I certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Directors of The Economic Development Corporation of the City of Kalamazoo at a regular meeting held on July 18, 2019, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Secretary

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Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Clyde Robinson, City Attorney

PREPARED BY: Jamie McCarthy, Development Project Coordinator, Community Planning and Economic Development

DATE: 7/24/2019

SUBJECT: 2019 Consulting Services Contract Extension – Allied Site
Bid Ref# 00000-019.93

RECOMMENDATION

It is recommended that the City Commission approve a one-year contract extension with Bruce Merchant of Environmental & Regulatory Consulting Services L.L.C. at the rate of \$70 per hour for a not-to-exceed total of \$15,000 for environmental consulting services for the Allied Site through December 31, 2019.

Environmental & Regulatory Consulting Services L.L.C is owned and operated by Bruce Merchant. Bruce is a retiree from the City of Kalamazoo.

BACKGROUND

City of Kalamazoo retiree Bruce Merchant of Merchant Environmental & Regulatory Consulting Services L.L.C. has been instrumental in representing the City of Kalamazoo by providing environmental consulting services, environmental monitoring review, attendance and participation in various local meetings, forums, and events; providing detailed progress report preparation and submittals of such meetings; working in conjunction with City elected and appointed officials as well as City staff to promote a “hybrid” option that is protective of the City’s drinking water supply; working with City staff on promotion of various redevelopment concepts and efforts for the Allied Superfund/Disposal Site; working with and coordinating submission of formal comments to USEPA by City staff and its consultants as part of the Superfund process for the Allied Disposal Site; supporting City staff in the submission of formal comments and with various local efforts and requests; working with City staff regarding alternative technologies that may be applicable to removal remedies at the Allied Superfund/Disposal Site; attendance of various meetings with state and federal regulatory agencies for the Allied Site; assistance on the acquisition of the Panelyte Site; attendance at various Allied Site Task Force (ASTF) meetings as well as working with other citizen groups and individuals involved with the Allied Site Superfund process.

Mr. Merchant has provided technical oversight of the Allied Site for the major portion of his tenure with the City and is therefore best suited to represent the City with interactions with the EPA and EGLE concerning this site.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

Funds for this Blanket Contract with Merchant Environmental & Regulatory Consulting Services, L.L.C. will be split between Public Services and Community Planning and Economic Development and have been included in the impacted budgets.

ALTERNATIVES

The City Commission may elect not to extend the contract with Merchant Environmental & Regulatory Consulting Services, L.L.C. to December 31, 2019. This alternative is not recommended as Mr. Merchant has been instrumental in working in conjunction with City elected and appointed officials as well as City staff to promote a “hybrid” option that is protective of the City’s drinking water supply and the promotion of various redevelopment concepts and efforts for the Allied Superfund/Disposal Site.

ATTACHMENTS:

Type	Description
□	Contract 2019 Contract

SCOPE OF WORK
Merchant Environmental & Regulatory Consulting Services, L.L.C.
City of Kalamazoo – 2019

I. Panelyte Property Acquisition (Community Planning & Economic Development)

Assist the City of Kalamazoo (COK) in obtaining the Panelyte property by providing technical and historical information and participating in meetings with the USEPA, USDOJ, State of Michigan, and other consultants. Tasks include emails, meetings, conference, calls, research, and other related activities, as requested, that will assist City staff in ensuring indemnification from past environmental activities on the Panelyte property.

II. Allied Landfill Site Support Assistance (Public Services and Community Planning & Economic Development)

- Assist the COK Public Services Department in reviewing studies, reports, and technical documents to ensure remedial design and related efforts at Allied Landfill are protective of the City's drinking water aquifers. Provide historical context and input into the final Remedial Design Work Plan (RDWP) and any subsequent reports. Merchant Environmental & Regulatory Consulting Services, LLC (the consultant) can also provide more detailed oversight of the RDWP as well as onsite inspection and oversight activities, if desired.
- Assist the COK Community Planning & Economic Development Department with issues related to redevelopment during the RDWP and provide historical context. As needed, assist city staff with evaluation and communication with businesses and residences within the neighborhood and in close proximity to the Allied Landfill site.

III. Related Assistance (Community Planning & Economic Development)

Assist the City with environmental and redevelopment issues related to the Performance Paper site, especially as it relates to the Allied Landfill site and potential environmental contamination. At the request of City staff, the consultant may perform related activities, including research, input, and advice related to Kalamazoo River cleanup activities occurring within the City of Kalamazoo.

IV. Conflict of Interest Issues

The Consultant has been approached to do consulting work related to other sites within the Kalamazoo River/Portage Creek/Allied Superfund site unrelated to the Allied Landfill Superfund Site detailed in this proposal.

If such work is intended to be performed by the Consultant, the City of Kalamazoo will be informed of such efforts and, if the City of Kalamazoo determines there is a conflict in conducting such work, the Consultant will cease to perform such work and continue under the current contract with the City of Kalamazoo.

The Consultant has also recently become involved in a local Portage Creek Enhancement Initiative that has involved specific grant application opportunities with the City of Kalamazoo as well as other entities. With the City of Kalamazoo's approval, the Consultant will continue with such efforts as long as there is no conflict with this contract or other related City of Kalamazoo interests.

V. Contract Term

- The period of the contract will begin upon execution by the City Manager and end on December 31, 2019.
- The contract term is intended to cover the ongoing draft Remedial Design Work Plan (RDWP), the final RDWP, involvement and oversight of RDWP activities, ongoing discussion on behalf of the City of Kalamazoo regarding acquisition of the Panelyte property, and any other associated work with the Allied Landfill Superfund Site.

VI. Payment

- The City hereby agrees to compensate Consultant at the following rates: The Consultants shall be paid an hourly rate of **\$70.00 per hour for a not-to-exceed total of \$15,000**. A written summary of activities of the Consultant shall be submitted to the development project coordinator within Community Planning and Economic Development Department on a monthly basis. The consultant shall also be reimbursed for all other reasonable expenses that may be incurred while performing the consultant duties for the City.

Submitted by:



**Bruce E. Merchant, President
Merchant Environmental & Regulatory
Consulting Services, L.L.C.**

2-19-2019

DATE

Approved by:

**James Ritsema, City Manager
City of Kalamazoo**

DATE



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

PREPARED BY: Steve Brown, FFE Coordinator, Resource Specialist

DATE: 7/8/2019

SUBJECT: Approval of an Agreement for Merion Capital LLC
Bid Ref# 00000-019.84

RECOMMENDATION

It is recommended that the Commission approve an agreement between the Foundation for Excellence (FFE) and Merion Capital LLC for investment consultant services relative to the FFE endowment, approved and executed by the FFE board, in the amount of \$180,000 annually, and allocate FFE funds to this purpose.

BACKGROUND

At the 2018 annual meeting of the Foundation for Excellence (FFE) board of directors, the Finance Committee was tasked with researching the investment needs of the planned FFE endowment fund and reporting back at the 2019 annual meeting. Following this research, the item was discussed at the February 21 and March 8, 2019, meetings of the Finance Committee, and was recommended to the Executive Committee. The Executive Committee then acted to place the topic on the agenda of the April 22 annual board meeting, where it was approved and the contract executed. Commission approval of the contract is necessary because the agreement will be paid for by the City using dollars it received as donations, and because the agreement is over \$100,000.

POLICY CONSIDERATIONS

COMMUNITY RESOURCES CONSULTED

The FFE Board approved this agreement at the April 22, 2019 Annual Board Meeting.

FISCAL IMPACT

The investment consultant services that this agreement describes are essential to the management and growth of the FFE's planned endowment. Funds are available in the Foundation for Excellence Aspirational Projects proposed carryforward budget for this contract.

ATTACHMENTS:

Type Description



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Brianna Clawson, Support Services Division Manager

DATE: 6/4/2019

SUBJECT: Contract for Uniform Rental and Cleaning Services Bid Ref# 98386-006.0

RECOMMENDATION

It is recommended that City Commission approve a 5-year term contract for industrial uniform rental and cleaning services with UniFirst Corporation in the amount of \$200,000 for staff use within the Department of Public Services.

BACKGROUND

Presently staff in the Department of Public Services is provided uniforms for health and safety contractually to our union employees. Uniforms make staff easily identifiable to members of the community so they feel more comfortable and safe if we have to knock on their door or they see us working on the street. We worked with staff to find options to make wearing the uniform more comfortable and it came down to the Class 3 ANSI type shirt so they would not have to wear a work shirt and safety vest. We reached out to our current provider and they were unable to provide the Class 3 type shirt. We then started searching for a company that would be able to provide this type shirt with laundry service which is where we located Unifirst. We met with them and they provided very fair competitive pricing as well as replacement program under the Sourcewell Cooperative (formerly National Joint Powers Alliance NJPA).

Mich. Comp. Laws § 124.504 (2017) Sec. 4 states A public agency of this state may exercise jointly with any other public agency of this state, with a public agency of any other state of the United States, with a public agency of Canada, or with any public agency of the United States government any power, privilege, or authority that the agencies share in common and that each might exercise separately.

Based on the availability of the recommended uniform items, replacement program, cooperative bid pricing and state compiled law we recommend approval of the contract with Unifirst Corporation.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

Funds for this contract were budgeted in the 2019 fiscal year departmental budgets for Public Services.

ALTERNATIVES

Several alternatives have been investigated that would alleviate use of rental uniforms. One alternative would be to replace the existing uniform contract with an annual clothing allowance for staff using uniforms in the performance of their job duties. Such an allowance would need to provide for both purchase and cleaning of clothing. A budgetary analysis has shown that this method would be much more costly to the City than provision and cleaning of uniforms by an outside contractor.

A second alternative is to have the City purchase and clean uniforms in-house. Upon analysis, this also proved to be more costly and more City staff intensive than an outside contractor providing this same service.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Steve Vicenzi, Director Management Services / CFO

PREPARED BY: Stephanie McGowan, City Treasurer

DATE: 7/16/2019

SUBJECT: Water Meter Reading Services Contract Extension 968-58-006.2

RECOMMENDATION

It is recommended that the City Commission approve a one-year contract extension with Olameter for water meter reading services in the amount of \$253,636.78.

BACKGROUND

Olameter has provided this service since September 2015. Olameter is familiar with the meter system for the City of Kalamazoo's and the expected standards for providing services to the City of Kalamazoo.

The proposal for the extension of services through August 31, 2020 does not include a change in pricing but includes a modest increase in the projected number of actual reads. However, it is expected the number of meter reads will begin to decrease by the end of 2020 with the implementation of the smart meter program.

COMMUNITY RESOURCES CONSULTED

Existing City ordinances provide authorization for the services proposed through this contract.

FISCAL IMPACT

Funds for this contract were included in the respective Management Services, Treasury Department budget.

ALTERNATIVES

The City could choose to not to renew the contract, but this would eliminate meter reading and the ability to bill for utility services.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Stephen A. Skalski, PE, Assistant City Engineer – Water Resources

DATE: 7/10/2019

SUBJECT: Approval of a Change Order with Hoffman Brothers for the Walnut/Pitcher Emergency Water Main Construction
Bid Ref# 968-39-013.0

RECOMMENDATION

It is recommended that the City Commission approve a change order with Hoffman Brothers for the Walnut/Pitcher Emergency Water Main Construction in the amount of \$318,481.00 and appropriate funds from the Water Emergency Reserves for the same amount.

BACKGROUND

In January of 2019, a water main break was identified in the intersection of Walnut and Pitcher, directly beneath the railroad crossing. Due to the location, the water main break was not able to be patched, and new water main needed to be constructed. With extensive work that needed to be completed, as well as the need for City Crews to perform other work, Public Services retained Hoffman Brothers Construction to perform the needed repairs.

Hoffman Brothers completed the necessary repairs, which totaled \$318,481.00. Hoffman Brothers performed well with the necessary repairs, and Public Services recommends the approval of this change order.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

The Water Utility Finance Policy establishes an Emergency Capital Fund to allow the system to make emergency repairs and replacements to the system. The funding for the project is available in the Water Emergency Capital Fund. The requested appropriation will assign these funds to the project. Project funding and estimated costs are as follows:

Funding:

Wat0500323

\$318,481.00

Costs:	Construction	\$318,481.00
		<u>\$318,481.00</u>
		\$318,481.00

ALTERNATIVES

There is no reasonable alternative for this work.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Anna C. Crandall, EIT, Senior Civil Engineer – Water Resources

DATE: 7/1/2019

SUBJECT: Professional Construction Engineering Services – Cork Street Improvements, Portage Street to Sprinkle Road Bid Ref # 906-46-015.1.8

RECOMMENDATION

It is recommended that the City Commission approve a contract with Wightman & Associates, Inc. for professional construction engineering services related to the Cork Street Improvements, Portage Street to Sprinkle Road, in the amount of \$506,570.00.

BACKGROUND

Cork Street between Portage Street and Sprinkle Road was identified as a project receiving federal funding in 2019 on the Kalamazoo Area Transportation Study (KATS) Transportation Improvement Program (TIP). The project is slated for federal funding in the amount of \$816,000.00 for roadway improvements related to full depth roadway reconstruction, HMA surfacing, ADA ramp upgrades, and curb and gutter replacement where necessary. This section of roadway was also identified by the Water Resources Division for water main replacement, as the current water main is undersized for its use and has experienced numerous water main breaks over the years.

Wightman & Associates, Inc. is a pre-qualified engineering firm for both roadway and water professional services. They were under contract for design engineering services for this project. Since Wightman & Associates, Inc. is familiar with this project, Public Services reached out to request a quote for professional construction engineering services. Wightman & Associates, Inc. quoted a not to exceed fee of \$506,570.00 for the work. Public Services has been very satisfied with Wightman & Associates, Inc. work on previous projects, and recommends approval of this contract.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisor board consultation or additional public input.

FISCAL IMPACT

Funding for this project is accounted for in the 2019 Water and Major Streets Capital Improvement Budget.
Funding summary is as follows:

Funding:		
	2019 Water CIP Budget (wat050030)	\$188,820.00
	2019 Major Streets CIP Budget (mst0100186)	<u>\$317,750.00</u>
		\$506,570.00
Costs:		
		<u>\$506,570.00</u>
		\$506,570.00

ALTERNATIVES

There were no identified alternatives for this project.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Ryan S. Stoughton, Asst. City Engineer - Wastewater

DATE: 7/1/2019

SUBJECT: WWR-18-003 – Tertiary Process Upgrade Design Professional Service Agreement Contract Approval Bid Ref# 906-29-017.1.2

RECOMMENDATION

It is recommended that the City Commission approve a professional service agreement contract with Jones & Henry Engineers, Ltd (J&H), who is a prequalified vendor, for design consulting services for the creation of permit, bid, and construction documents in the amount of \$900,000.00.

BACKGROUND

The Kalamazoo Water Reclamation Plant (Plant) is a Regional Advanced Activated Sludge Wastewater Treatment Plant with multiple major treatment processes, including Preliminary, Primary, Secondary, and Tertiary, with sub-processes within each major process. Tertiary Filtration is a vital permit required process within the treatment system to meet the Plant's Discharge Permit.

The existing tertiary filtration infrastructure, including concrete tanks, metal piping, valves, troughs, weirs, baffles, electrical and process control systems, and appurtenances have been in service since 1981 with a rehabilitation of the filtration bed infrastructure 2000. The existing rehabilitated infrastructure is showing its 38-plus year age along with the 19-plus year age of the rehabilitated filtration beds with increased required maintenance, increased yearly operation and maintenance budgetary expenditure, loss of treatment and operational efficiencies, and increased adverse impacts on downstream systems.

A treatment process evaluation study, completed in 2019, outlined the 20 year net present worth cost analysis along with operational impacts of various process alternatives. The alternative outlined to have a 20 year life cycle cost coupled with the greatest long term operational and maintenance advantage is a transition to the current tertiary filtration technology of engineered media disc filtration.

The primary goal of this Project is to increase operational flexibility and efficiencies while decreasing long term maintenance costs and decreasing the adverse impacts on downstream systems. The secondary goal of this Project is to allow for future expansion needs within the Plants existing footprint as well as future downstream system upgrade opportunities. Completing the goals of this Project at the most cost effective 20-year life cycle cost is of upmost importance.

Upon design completion, the City will solicit competitive bids for the construction of the design within budget years beginning 2020 and ending 2023.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

Funding for the design phase of this Project is available via budget carryforward from 2018 wwr-CIP (WWR-18-003/wwr0100196) and will be included in the 2020 capital budget proposal.

Fiscal Budget Breakdown:

2019 – via FY 2018 carryforward Project budget	\$250,000.00
2020 – via FY budget proposal.....	<u>\$650,000.00</u>
	<i>\$900,000.00</i>

ALTERNATIVES

Staff reviewed the following alternatives in the development of this recommendation:

- 1) Rehabilitation of sand media filtration beds
 - a. Not recommended
- 2) Rehabilitation of filtration beds with updated sand media filtration technology
 - a. Not recommended
- 3) Complete rehabilitation and replacement of existing sand media filtration infrastructure
 - a. Not recommended
- 4) Complete replacement with current tertiary filtration technology; engineered media disc filtration
 - a. Recommendation



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Orrin J. Dorr, Public Works, Division Manager

DATE: 7/11/2019

SUBJECT: Contract with Peters Construction for the 2019 City Streets Concrete Project. Bid Reference # 91350-002.0

RECOMMENDATION

It is recommended that the City Commission approve a contract with Peters Construction of Kalamazoo, MI for the 2019 Streets Concrete Project in the amount of \$1,126,404.91.

BACKGROUND

On July 03, 2019, bids were opened for the 2019 City Streets Concrete Project. The 2019 streets to receive concrete curb and gutter and sidewalk work are listed in adopted budget

Four bids were received, with Peters Construction being the low responsive bidder at \$1,126,404.91.

COMMUNITY RESOURCES CONSULTED

Engineering utilizes a computerized Pavement Management System, to compile a list of streets that are in need of improvement. Engineering then combines the computerized output with a list of citizen concerns received throughout the year, to determine which streets to include in the paving program.

Street Paving projects were placed on the Engineering website for public comment. No comments were received.

FISCAL IMPACT

Funds in the amount of \$1,126,404.91 are available in the 2019 Local & Major Street CIP budget.

ALTERNATIVES

The option to have City crews perform the work has been reviewed. City crews are scheduled to perform paving operations on Local Streets. This, along with regular maintenance operations, will keep the City crews occupied and unable to do any full scale concrete projects.

ATTACHMENTS:

	Type	Description
▣	Aerial Photo	Bid Results Summary

BID RESULTS SUMMARY

PROJECT: 2019 Streets

DATE: 7/12/19

BIDDERS SOLICITED: 91

BIDDERS RESPONDED: 4

MBE/WBE BIDS SOLICITED: 16

MBE/WBE BIDDERS RESPONDED: 1

BID REFERENCE NO: 91350-002.0

MBE/WBE AWARDED: No

ISSUE DATE: June 18, 2019

BID OPENING: July 3, 2019

APPROVAL REQUIRED: City Commission

FUNDED BY: City

<u>BIDDERS</u>	<u>AMOUNT BID</u>	<u>LOCATION</u>
Peters Construction Co.	¹ \$1,126,404.91 ² \$1,126,404.91	Kalamazoo, MI
Anlaan Corporation	¹ \$1,189,776.25 ² No Bid	Grand Haven, MI
Epic Excavating	¹ \$1,744,058.50 * ² \$1,744,058.50 *	Grand Rapids, MI
Northern Construction Services, Corp.	¹ \$1,795,818.50 ² \$1,795,818.50	Niles, MI

¹WITH Prevailing Wages Bid

²WITHOUT Prevailing Wages Bid

*Non-Responsive (did not supply a signature page at the time of bid opening)

Purchasing procedures have been followed and City Attorney has reviewed as to form.



Melissa Fuller
*Deputy Director of Mgmt Services/
Purchasing Agent*



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Steve Vicenzi, Management Services Director / CFO

PREPARED BY: Steve Vicenzi, Management Services Director / CFO

DATE: 7/15/2019

SUBJECT: Activate Healthcare LLC Contract Approval
Bid Ref# 946-48-005.0

RECOMMENDATION

It is recommended that the City Commission approve a three year contract with Activate Healthcare LLC totaling \$2,245,206.25 for the staffing and operation of a City employee healthcare clinic.

BACKGROUND

City staff has been engaged in the process of establishing a health clinic for the benefit of the City employees. Proposals were opened for this project January 11, 2018. Seven proposals were received and evaluated. Through an extensive evaluation process, Activate Healthcare LLC was selected as a potential medical provider to operate the clinic. They have extensive experience in running small employer owned clinics and come recommended by our healthcare consultants, Mercer Health & Benefits.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

The proposed contract includes staffing, supplies, and clinic management. The expenses will be allocated from the insurance fund. It is projected that saving on the healthcare claims will result in a net savings of \$570,000 over the contract term.

ALTERNATIVES

The Commission could choose to not approve the contract. This action would delay or stop implementation of a City employee clinic. This action is not advised as this would eliminate projected current and future savings for the insurance fund.

ATTACHMENTS:

	Type	Description
	Bid	
▢	Results	Bid Summary
	Summary	

BID RESULTS SUMMARY

PROJECT: Healthcare Clinic

DATE: January 12, 2018

BIDDERS SOLICITED: 12

BIDDERS RESPONDED: 7

MBE/WBE BIDS SOLICITED: 0

MBE/WBE BIDDERS RESPONDED: 0

BID REFERENCE NO: 946-48-005.0

MBE/WBE AWARDED: No

ISSUE DATE: December 11, 2017

BID OPENING: January 11, 2018

APPROVAL REQUIRED: City Commission

FUNDED BY: City

SUBMITTED PROPOSALS

COMPANY NAME	COMPANY ADDRESS
Vera Whole Health	1511 6th Avenue, Ste 360, Seattle WA 98101
Care ATC	4500 S. 129th E Ave, Ste 191, Tulsa OK 74134
Care Here	5141 Virginia Way, Ste 350, Brentwood TN 37027
Marathon Health	20 Winooski Falls Way, Ste 400, Winooski VT 05404
Our Health	4151 E 96th Street, Indianapolis IN 46240
Concentra	5080 Spectrum Drive, Ste 1200W, Addison TX 5001
Activate Healthcare	9302 North Meridian St, Ste 385, Indianapolis IN 6220

Purchasing procedures have been followed and City Attorney has reviewed as to form.



Melissa Fuller
*Deputy Director of Mgmt Services/
Purchasing Agent*



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: Clyde J. Robinson, City Attorney

PREPARED BY: Sarah R. Wenzlick, Assistant City Attorney

DATE: 7/26/2019

SUBJECT: Amendments to Chapter 15 – Fire Prevention and Protection

RECOMMENDATION

It is recommended that the City Commission adopt amendments to Chapter 15 of the Kalamazoo City Code of Ordinances

BACKGROUND

The City Attorney's Office has undertaken a comprehensive review of the Kalamazoo City Code to decriminalize and update the Kalamazoo City Code. Chapter 15 currently uses the 2009 edition of the International Fire Code. However, there have been updated editions since Chapter 15 was last amended with the most recent being in 2018. With the aid of the Fire Marshal, the City Attorney's Office has reviewed Chapter 15 and the 2018 edition of the International Fire Code and has proposed amendments to adopt the 2018 edition of the International Fire Code and change the outdated section numbers so that they are consistent with the International Fire Code. There are also other proposed amendments to Chapter 15 and the International Fire Code. The City Attorney's Office has consulted with the Fire Marshal and other City departments regarding those proposed amendments which are discussed in further detail below.

Currently, Chapter 15 prohibits open burning on any private property and it does not address recreational fires which are contained in a fire pit or commercial outdoor fireplace. The proposed amendments provide a definition of recreational fires and would require a permit to be obtained prior to conducting a recreational fire. The proposed amendments would allow recreational fires at single- and two-family dwellings without a permit under specific conditions. These proposals are similar to ordinances that are currently in place in neighboring municipalities. The Fire Marshal is willing to create an information sheet that would be accessible to citizens to provide examples and address what is and is not allowed as a recreational fire under this section.

There are also proposed amendments to various sections of the International Fire Code that have been recommended by the Fire Marshal to reduce the risk of fire and safety hazards in an urban environment. For example, there are amendments regarding open flame cooking devices. Although open flame cooking devices are addressed in the International Fire Code, there are specific changes that are proposed to reduce the risk of fire or injury to citizens. There is also an amendment to the section regarding address identification requirements, which have been proposed with input from the Fire Marshal and Community Planning and Economic Development. These specific changes would make it easier for emergency personnel to identify addresses when responding to emergency situations. In addition, there are proposed amendments regarding monitoring of fire alarm systems and hydrant spacing. The language used regarding the monitoring of fire alarm systems is currently being used by neighboring municipalities with success. These specific changes are proposed to

reduce the risk of injury and to provide operational effectiveness.

COMMUNITY RESOURCES CONSULTED

none

FISCAL IMPACT

none

ALTERNATIVES

The City Commission could choose not to enact the revisions to the ordinance, but that is not recommended as the fire code would remain out of date or require the City Attorney to further revise the proposed amendments

ATTACHMENTS:

Type	Description
▣ Ordinances	Chapter 15 - Fire Prevention and Protection
▣ Ordinances	
▣ - Redline Version	Chapter 15 Fire Prevention and Protection

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 15
TO THE KALAMAZOO CODE OF ORDINANCES**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Chapter 15 of the Kalamazoo City Code is amended to read as follows:

Chapter 15 Fire Prevention and Protection

Article I

In General

§ 15-1 Carrying explosives or flammable liquids on public conveyances.

No person shall take, transport, convey or carry, either as freight or as hand luggage or baggage, any dynamite, gunpowder, nitroglycerine, fulminate in bulk in dry condition or other explosive substance which explodes by concussion or friction, or any giant powder, gun cotton, kerosene, gasoline, naphtha, benzene, spirits of turpentine or any other explosive, on or in any bus, taxicab or other vehicle used wholly or partially as a public conveyance, within the corporate limits of the City. A person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both.

§ 15-2 Setting fire to hotel and places of abode or furnishings therein.

Any person who shall carelessly, recklessly or negligently, set fire to any hotel, rooming house, lodging house or any place of public abode, or to any bedding, furniture, curtains, drapes or other furnishings therein, so as to endanger life or property in any way, shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both. The proprietor of any such place shall post a written notice of the provisions of this section in a conspicuous place in each sleeping room located in such place.

§ 15-3 False fire alarms.

It shall be unlawful for any person to willfully or knowingly raise or circulate any false alarm of fire. A person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both.

§ 15-4 Damaging fire apparatus or building used to house same.

It shall be unlawful for any person to wantonly or willfully damage any fire apparatus belonging to the City or any building or other structure used to house such apparatus. A person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both.

§ 15-5 Interference with persons detailed to guard property during fire.

It shall be unlawful for any person to interfere, in any way, with the personnel of the Department of Public Safety or with any police officer or public safety officer or other party detailed to guard

any property during progress of any fire. A person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both.

§ 15-6 through § 15-16. (Reserved)

**Article II
Outdoor Furnaces**

§ 15-17 Purpose.

- A. Research conducted by the United States Environmental Protection Agency indicates that outdoor furnaces cause emission problems which can affect human health and safety. Smoke generated by outdoor furnaces can cause visibility problems, worsen cardiovascular diseases, irritate eyes and lungs, trigger headaches, and contribute to respiratory diseases such as asthma, emphysema, and bronchitis. In addition, emissions from outdoor furnaces contain harmful air pollutants such as sulfur oxides, nitrogen oxides, carbon monoxide, and other potentially disease-causing compounds such as polycyclic aromatic hydrocarbons, benzene, formaldehyde, and dioxins.
- B. Persons living and working within residential, commercial, and industrial establishments situated within the City are entitled to clean air and environmental circumstances free of unreasonable smoke, odor, and fumes, as well as living within an aesthetically pleasing environment through the proper storage of debris and combustible fuels.
- C. The purpose of this article is to protect the public health, safety, and welfare of the residents of the City of Kalamazoo from excessive smoke, pollution, soot, contamination, and other toxic air pollutants and offensive odors emanating from outdoor furnaces and to regulate the location and use of same.

§ 15-18 Definitions.

As used in this article, the following terms shall have the meanings indicated:

CLEAN WOOD

Wood that has no paint, stains, or other types of coatings, and wood that has not been treated or combined with any petroleum product, chemical, preservative, adhesive, or other substance, including, but not limited to, copper chromium, arsenate, creosote, or pentachlorophenol.

OUTDOOR FURNACE

Sometimes referred to as a "hydronic heater," means any boiler, stove, furnace, or other appliance designed, intended or used to provide heat and/or hot water to any residence or other structure, which operates by the burning of wood, coal, corn, or other type of solid fuel, and which is not located within a building intended for habitation by humans or domestic animals. Not included in this definition is any device which is fueled by natural gas, propane or fuel oil, if the device has been inspected and approved by the City's mechanical inspector, or any device which is solely designed or used to heat the structure in which the device is located.

§ 15-19 Restrictions.

It is unlawful to install or operate an outdoor furnace or cause or permit the installation or operation of an outdoor furnace within the City except as specifically authorized and permitted in this article.

§ 15-20 Permit required; fee.

- A. Any outdoor furnace existing within the City on August 1, 2009, shall be inspected, and any outdoor furnace installed on or after August 1, 2009, shall require the issuance of a permit by the Code Administration Division of the Community Planning and Development Department.
- B. The permit application shall include information necessary to assure compliance with this article, including, but not limited to:
 - (1) A drawing identifying all the information necessary to assure compliance with this article, including property lines and the location and height of neighboring structures.
 - (2) A copy of the manufacturer's specifications for the outdoor furnace.
- C. The City may charge a fee to cover the reasonable cost of inspection and administration of issuing a permit under this section.

§ 15-21 Installation standards.

Every owner or person in control of an outdoor furnace installed on or after August 1, 2009, shall comply with the following requirements and standards:

- A. No outdoor furnace shall be located on a parcel that is part of a condominium subdivision or platted subdivision.
- B. No outdoor furnace shall be located on a parcel of land less than three acres in area.
- C. No more than one outdoor furnace shall be permitted on any parcel of land.
- D. Before undertaking any excavation to install an outdoor furnace, provide notification to public utilities pursuant to MCLA 460.701 et seq., being the protection of Underground Facilities Act (MISS DIG).
- E. Such devices shall meet all specifications provided by the manufacturer, and, in addition, they must conform to any state construction code provisions that are applicable and to the City's fire prevention code. All outdoor furnaces must be Underwriter Laboratories Inc. listed, certified or otherwise approved by another product safety certification organization.
- F. An outdoor furnace shall have a permanent chimney, equipped with a spark arrestor, which extends at least 15 feet above the ground surface and is at least two feet higher than the height of the highest roof peak of any dwelling in existence when the device is installed and which is owned by a person other than the owner of the outdoor furnace and is located within 500 feet of the outdoor furnace.
- G. An outdoor furnace shall be installed 50 feet or more from a property line and at least 350 feet from the nearest building which is not on the same parcel as the appliance.

- H. No outdoor furnace shall be installed or located in the front yard setback of a parcel.
- I. Any outdoor furnace installed within the City on or after August 1, 2009, shall meet or exceed the United States Environmental Protection Agency's (EPA) smoke emission standards for Phase 2 Qualified (white tag models) hydronic heaters.

§ 15-22 Operation standards.

- A. Outdoor furnaces shall not be used to burn any fuel other than a fuel listed by the manufacturer as a fuel that the device has been designed to handle. Outdoor furnaces shall not be used to burn recyclable materials, plastics, rubber, paper products, trash, rubbish, garbage or yard waste, or any wood that does not meet the definition of "clean wood."
- B. No outdoor furnace shall be operated from April 15 through October 15, inclusive, in any calendar year.
- C. Ashes or waste resulting from burning fuel in an outdoor furnace shall not be accumulated or stored on the premises.
- D. All fuel materials shall be neatly stacked or stored.
- E. Fires in an outdoor furnace shall not be tended by persons under the age of 15 years old.

§ 15-23 Existing outdoor furnaces.

- A. The owner or person in control of an outdoor furnace which exists in the City as of August 1, 2009, shall operate such device in conformance with the operation standards set forth in this article, and the appliance may remain in place, only if the owner or person in control applies for a technical code inspection from the City's Code Administration Division within 30 days of the effective date of this article to assure proper installation and operation of the outdoor furnace. Such inspection by the City shall occur within 15 business days following application.
- B. Prior to the completion or consummation of the sale or transfer of any real property, upon which, as of August 1, 2009, there exists an outdoor furnace that does not meet the EPA Phase 2 Qualified smoke emission standards for hydronic heaters, the furnace shall be either replaced with an outdoor furnace that meets the installation standards of this article or removed.

§ 15-24 Nuisance.

Any outdoor furnace installed or operated in violation of this article is declared to be a nuisance per se. Nothing in this article shall be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage or nuisance caused by the use of an outdoor furnace.

§ 15-25 Conflicts.

This article shall not be construed as an exemption or an exception to any other provision of the City ordinances, including but not specifically limited to the City's Zoning Code or any other code adopted by reference as an ordinance for which the City is the enforcing agency. In the event of a

conflict between the provisions of this article and any other ordinance or other provision of law, the more restrictive provision shall apply.

§ 15-26 Enforcement.

- A. All outdoor furnaces shall be subject to inspection by City's building and mechanical inspectors, and the Fire Marshal to assure that the provisions of this article have been, and continue to be, satisfied.
- B. The Department of Public Safety and Building Inspection Officials are authorized and designated to issue notices and citations for violations of this article.

§ 15-27 Penalty.

Any person who violates this article shall be responsible for a municipal civil infraction punishable by a fine of \$100 for each violation, plus court costs. In addition, the City shall have the ability to proceed in any court of competent jurisdiction to obtain equitable relief or any other appropriate remedy to compel compliance with this article.

**Article IIA
Fireworks**

§ 15-28 Purpose.

- A. The Michigan Fireworks Safety Act legalized the sale, possession, and use of consumer fireworks in Michigan while granting limited control over the use and discharge of fireworks to local communities. Since the adoption of the Act, the citizens of Kalamazoo have endured the disruption of the peace and quietude of its residential neighborhoods resulting in a negative impact to the quality of life of residents. Additionally, the resources of the City have been impacted due to increased complaints of noise and personal injuries owing to the use of fireworks.
- B. The purpose of this article is to impose conditions on the time, place, and manner of the use and discharge of consumer fireworks so as to promote the interest of the public health, safety and welfare consistent with the limitations imposed on municipalities by the Michigan Fireworks Safety Act.

§ 15-29 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACT

The Michigan Fireworks Safety Act, MCLA § 28.451 et seq.

ARTICLES PYROTECHNIC

Pyrotechnic devices for professional use that are similar to consumer fireworks in chemical compositions and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

CONSUMER FIREWORKS

Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and 1507, and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5. "Consumer fireworks" does not include low-impact fireworks.

DISPLAY FIREWORKS

Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA Standard 87-1, 4.1.

HOMEMADE FIREWORKS

Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation that is not produced by a commercial manufacturer and does not comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and 1507.

LOW-IMPACT FIREWORKS

Ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1, 3.1.1.1.1 to 3.1.1.1.8, and 3.5.

MINOR

An individual who is less than 18 years of age.

NFPA 1123

The Code for Fireworks Display, 2010 Edition, developed by the National Fire Protection Association.

§ 15-30 Fireworks prohibitions; exceptions.

- A. A person shall not ignite, discharge or use consumer fireworks or homemade fireworks except on the following days after 11:00 a.m.:
- (1) December 31 until 1:00 a.m. on January 1.
 - (2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
 - (3) June 29 to July 4 until 11:45 p.m. on each of those days.
 - (4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
 - (5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
- B. No person shall ignite, discharge or use consumer fireworks or homemade fireworks on public property, school property, church property or the property of another person without

that organization's or the property owner's express permission to use consumer fireworks or homemade fireworks on those premises.

- C. Consumer fireworks shall not be sold to a minor. This age requirement shall be verified by any of the following:
 - (1) An operator's or chauffeur's license issued under the Michigan Vehicle Code, 1949 PA 300, MCLA §§ 257.1 to 257.923.
 - (2) An official state personal identification card issued under 1972 PA 222, MCLA §§ 28.291 to 28.300.
 - (3) An enhanced driver license or enhanced official state personal identification card issued under the Enhanced Driver License and Enhanced Official State Personal Identification Card Act, 2008 PA 23, MCLA § 28.301 to 28.308.
 - (4) A military identification card.
 - (5) A passport.
 - (6) Any other bona fide photograph identification that establishes the identity and age of the individual.
- D. An individual shall not discharge, ignite, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. As used in this subsection:
 - (1) "Alcoholic liquor" means that term as defined in Section 1d of the Michigan Vehicle Code, 1949 PA 300, MCLA § 257.1d.
 - (2) "Controlled substance" means that term as defined in Section 8b of the Michigan Vehicle Code, 1949 PA 300, MCLA § 257.8b.

§ 15-31 Environmental concerns prohibition on use of fireworks.

- A. Notwithstanding the days and times permitting the ignition, discharge or use consumer fireworks under § 15-30A., if the environmental concerns based on the Michigan Department of Natural Resources Fire Division criteria are elevated to extreme fire conditions or if the environmental concerns based on the Fire Division criteria are elevated to very high for 72 consecutive hours, the Chief of Public Safety or the Fire Marshal acting under the direction of the Chief of Public Safety, in consultation with the Michigan Department of Natural Resources, has the authority to enforce a no-burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks, homemade fireworks and display fireworks within the City.
- B. If a no-burning restriction is instituted under this section, the Chief of Public Safety or the Fire Marshal acting under the direction of the Chief of Public Safety enforcing the restriction shall ensure that adequate notice of the restriction is provided to the public.

- C. Not more than 24 hours after the fire condition is downgraded from extreme or very high fire condition, the Chief of Public Safety or the Fire Marshal acting under the direction of the Chief of Public Safety enforcing the no-burning restriction that banned the ignition, discharge, and use of fireworks shall inform the public that the restriction has been lifted in the same manner that the restriction was announced or otherwise made known to the public.

§ 15-32 Penalties.

- A. A person who violates § **15-30A** is responsible for a municipal civil infraction and shall be ordered to pay a civil fine of \$1,000 for each violation of the subsection and no other fine or sanction; provided, however, that \$500 of the fine collected shall be remitted to the Kalamazoo Department of Public Safety as required by MCLA § 28.457(3).
- B. A person who violates § **15-30B** is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.
- C. A person who violates § **15-30C** shall be ordered to pay a civil fine of not more than \$100, or, for a second or subsequent violation of that subsection, a civil fine of not more than \$500.
- D. A person who violates § **15-30D** is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$1,000.
- E. A person who violates § **15-31** is guilty of a misdemeanor.

§ 15-33 Approval of public and private displays.

- A. The City Commission reserves to itself the ability granted by the Act at MCLA § 28.456, upon payment of a fee set by the City Commission, to approve the use of articles pyrotechnic and display fireworks for public or private display by organizations and individuals within the City.
- B. The City Commission, upon application in writing on forms provided by the Michigan Department of licensing and regulatory affairs, or its successor agency, and payment of a fee set from time to time by City Commission resolution, may grant a permit for the use of articles pyrotechnic or display fireworks for public or private display within the City by organizations or individuals approved by City authority, and compliance with the Michigan Fireworks Safety Act. A permit granted under this subsection is not transferable and shall not be issued to a minor.
- C. Before a permit for articles pyrotechnic or display fireworks ignition is issued, the person applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character and form deemed necessary as set from time to time by City Commission resolution to protect the public and to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person or an agent or employee of the person.
- D. Before granting a permit, the City Fire Marshal shall rule on the competency and qualifications of an articles pyrotechnic and display fireworks operator, as furnished by the operator on the operator's application form, in accordance with the requirements provided

under NFPA 1123, and on the time, place and safety aspects of the display of articles pyrotechnic or display fireworks.

§ 15-34 through § 15-39. (Reserved)

Article III
Fire Prevention Code

§ 15-40 Adopted.

Pursuant to the authority granted in the Home Rule Cities Act, MCLA § 117.3(k), there is hereby adopted, for the purpose of regulating and governing the safeguarding of life and property from fire or explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Kalamazoo; and providing for the issuance of permits and collection of fees therefor; that certain code known as the "International Fire Code," being particularly the 2018 Edition thereof, including appendix chapters, as if set forth fully herein. Any previously adopted fire codes are repealed. The Chief of Public Safety, with the approval of the City Manager, is authorized to make and enforce such other rules and regulations for the prevention and control of fires and fire hazards as may be necessary from time to time to carry out the intent of this code. A copy of the code shall be filed with the City Clerk and shall be in effect upon filing and shall be available for public inspection and distribution at the office of the City Clerk, 241 W. South Street, Kalamazoo, Michigan. In the event that any portion of the International Fire Code (2018 edition), including appendix chapters, as adopted by reference, is superseded by the Michigan Fireworks Safety Act, MCLA 28.451 et seq., the provisions of the state law shall control.

§ 15-41 Amendments and deletions.

A. Amendments generally. The 2018 International Fire Code adopted by § 15-40 of the Kalamazoo City Code is hereby amended as follows:

(1) Section 105 is hereby amended to add the following at the end of Section 105.1.1:

It shall be unlawful for any person, firm, or corporation to use a building or premises or engage in any activities for which a permit is required by this code without first having obtained such permit. Permits are required from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions.

(2) Section 202 is hereby amended to add or revise the following definitions to read as follows:

BONFIRE shall mean a fire which is kindled from wood, trees, branches, kindling, wood chips, boxes, compressed wood or any other wood product. A bonfire is a type of open fire as defined in this section.

BRUSH shall mean the trimmings from trees and/or shrubs.

BUREAU OF FIRE PREVENTION shall mean the Bureau of Fire Prevention of the Department of Public Safety of the City of Kalamazoo.

CAMPFIRE shall mean a fire which is kindled for a civic, social or athletic event made from wood, trees, branches, kindling, wood chips, boxes, compressed wood or any other wood product. A campfire is a type of open fire as defined in this section.

CHIEF or CHIEF OF THE FIRE DEPARTMENT shall mean the Chief of Public Safety of the City of Kalamazoo or their authorized representative.

CHIEF OF POLICE or POLICE DEPARTMENT shall mean the Chief of Public Safety of the City of Kalamazoo or their authorized representative.

COMBUSTIBLE WASTE MATTER shall mean magazines, books, trimmings from lawns, trees, leaves, flower gardens, pasteboard boxes, rags, papers, plastic, straw, sawdust, packing material, shavings, boxes and all garbage, rubbish and refuse that will ignite through contact with flames or ordinary temperatures.

GARBAGE shall mean the animal or vegetable waste and food wrap materials resulting from the handling, preparation, cooking and/or serving of food.

JURISDICTION shall mean the City of Kalamazoo, Michigan.

OPEN BURNING or OPEN FIRE shall mean a fire made from any combustible waste matter or any flammable material of any type or kind, including but not limited to wood, trees, branches, wood chips, compressed wood or other wood products, which is kindled and maintained in whole or in part in the open air.

RECREATIONAL FIRES shall mean the noncommercial burning of materials, other than rubbish, brush and leaves, for pleasure, religious, ceremonial, cooking, or similar purposes in which the fuel burned is contained in a fire pit or commercial outdoor fireplace with an area that does not exceed 3 feet in diameter.

RUBBISH (TRASH) shall mean any combustible or noncombustible waste matter, except garbage, including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, plastics, tree branches, yard trimmings, tin cans, metals, automobile parts, mineral matter, glass, crockery, dust and the residue from the burning of flammable material and/or combustible waste matter.

(3) Section 307.1 is hereby revised to read as follows:

- (a) No person shall kindle or maintain any open fire or authorize any such open fire to be kindled or maintained on any private property within the City of Kalamazoo, unless expressly permitted by the Fire Marshal.

- (b) During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or any other place within the City of Kalamazoo.
- (c) Waste matter shall not be burned, under permit or otherwise, which shall, in burning, cause or create a dense smoke or odor.
- (d) The burning of leaves or brush within the City of Kalamazoo is hereby prohibited.
- (e) No person shall kindle or maintain any open fire or authorize such open fire to be kindled or maintained on or in any public street, alley, road, public right-of-way, or other public place.
- (f) No person shall throw down or drop any lighted match, cigar, cigarette or other burning substance in combustible material or in close proximity thereto.
- (g) The burning of garbage or rubbish is prohibited within the City of Kalamazoo, except in an incinerator approved as required by Section 603.8.
- (h) No fire shall be kindled or maintained in a barrel or trash burner or any other form of incinerator which does not meet the requirements of Section 603.8 of this code.

Exceptions: The provisions of Section 307.1 shall not apply to:

- 1. The burning of wood, charcoal, coke or other accepted fuel for the preparing of food in any form, in an approved container or utensil manufactured for food preparation, while being used in a safe and sanitary manner.
 - 2. The use of approved gaseous or liquid fired salamanders commonly employed in conjunction with building and construction operations when being used in accordance with accepted safety standards.
 - 3. Roofers, tinnerns, plumbers, or other mechanics pursuing a business requiring the use of fire for the purpose of boiling tar, pitch or oil used in the regular course of their business or trade and while being used in a safe and sanitary manner conforming to all other applicable codes and requirements.
- (4) Section 307 is hereby amended to revise Section 307.4.1 to read as follows:
- Bonfires.** The kindling of bonfires or campfires within the City of Kalamazoo is hereby prohibited.
- (5) Section 307 is hereby amended to revise Section 307.4.2 to read as follows:

Recreational fires. A permit shall be obtained from the fire code official prior to conducting a recreational fire.

Exception. Recreational fires may be conducted without a permit in an approved outdoor device in accordance to manufacturer's instructions at single- and two-family dwellings on a single parcel under the following conditions:

1. The device shall have a screen cover that aids in the protection to contain burning particulate from escaping into the atmosphere.
2. The device shall be 25' from any structure or combustibles.
3. A person shall have a garden hose connected to a reliable water source readily available for use.
4. The size of the fire shall be no larger than 3'x3'x3'.
5. Firewood being burned shall not have a diameter larger than 3" in diameter.
6. Burning shall not create a foul or offensive odor or cause smoke emissions that are reasonably offensive to occupants of surrounding property.
7. The burning of garbage, leaves, or other waste material is prohibited.
8. Any fire shall be extinguished at the direction of a Public Safety Officer if the fire is determined to constitute a hazardous condition, to create a foul or offensive odor, or to cause smoke emissions that are reasonably offensive to occupants of surrounding property.
9. The fire shall be constantly attended by a competent person until such fire is extinguished.

- (6) Section 307 is hereby amended to revise Section 307.4.3 to read as follows:

Portable outdoor fireplaces. A permit shall be obtained from the fire code official prior to using a portable outdoor fireplace.

Exception. Portable outdoor fireplaces at single- and two-family dwellings may be conducted without a permit when they are used in accordance with the manufacturer's instructions and not operated within 25 feet of a structure or combustible material.

- (7) Section 307 is hereby amended to add Section 307.6 to read as follows:

307.6 Open Burning for training and emergency purposes.

- (a) Open burning for Department of Public Safety and civil defense purposes may be specifically permitted in writing by the Chief after a determination by the Chief that

such open burning will occur under the following circumstances:

- i. The area is adequately protected by public safety officers, or department trainees, or other authorized representatives.
- ii. The fire will be of short duration.
- iii. The atmosphere is relatively free of pollutants.

(b) The Chief may issue permits for such open fires as he deemed necessary in times of disaster or emergency.

(8) Section 308 is hereby amended to revise Section 308.1.4 to read as follows:

Open-flame cooking devices. Charcoal burners and other open flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction, decorations or furnishings.

(9) Section 308 is hereby amended to add Section 308.1.4.1 to read as follows:

Open flame cooking devices shall not be operated over a public right of way or property of others.

(10) Section 403 is hereby amended to revise Exception 1 to Section 403.12.3.1 to read as follows:

Outdoor events with a capacity of less than 1,000 are not required to provide crowd managers, unless the outdoor event is held in a confined site.

(11) Section 505 is hereby amended to revise Section 505.1 to read as follows:

Address identification. New and existing commercial or multi-family buildings shall provide address identification as follows:

1. Street number and street name are required.
 - a. Numbers and letters must be in a color or material that provides contrast with its background.
 - b. Numbers should not be spelled out, but in numerical text.
2. Format. (number, letter, stroke for each)
 - a. Residential – Multiple-unit residential buildings containing up to four units and those residential buildings with an exterior appearance of a single home that are divided into multiple units shall comply with the following:
 - i. Text. Only street number is required.
 - ii. Size. Numbers and letters shall be 4 inches to 6 inches in size.
 - iii. Location. Street numbers shall be located on the street facing facade with the primary entrance and/or on a mail box or fence at the front property line.
 - iv. Corner buildings shall locate street numbers on the side of recorded address.
 - b. All other buildings shall comply with the following:

- i. Text. Both street number and street name are required.
- ii. Size. Street numbers shall be 12 inches in height, with a minimum stroke width of 1.5 inches. Street name shall be a minimum of 6 inches in height.
 - The fire code official may require that buildings set back more than 50 feet from the street or that have permanent obstructions limiting visibility (utility poles, bridges, fencing, etc.), utilize street numbers up to 24 inches in height.
 - Building facades facing alleys and courts and those facades facing secondary streets shall utilize letters 12 inches in height.
- iii. Location. Street numbers and street names shall be located on all street facing facades in such a way as to minimize the obstruction from trees, light poles, and other signage.
 - Buildings located more than 50 feet from the street may utilize a free-standing sign for its street number and street address requirements when the sign is located directly adjacent to the driveway(s) into the site and is visible to travel in all directions.
- iv. Multiple Addresses. Buildings with multiple addresses or separate suites shall have the street number or suite number located within 5 feet of the front entrance for each address, regardless of other free standing or collective address signage.
 - These numbers shall be 6 inches in height.
 - When these numbers are located on clear glazing, such as doors or windows, the numbers shall be white or black to achieve contrast during all lighting conditions.

(12) Section 603 is hereby amended to revise Section 603.8.4 to read as follows:

All burning shall take place during hours approved by the Chief. Burning shall be confined to incinerators which are permitted as set forth herein.

(13) Section 603 is hereby amended to add Section 603.8.8 to read as follows:

The installation, operation, and/or construction of a commercial, industrial, or residential-type incinerator is hereby prohibited without first obtaining a permit to construct, install, alter or operate such incinerator from the Michigan Department of Natural Resources, Air Quality Division.

(14) Section 603 is hereby amended to add Section 603.8.9 to read as follows:

Any incinerator allowed to be used in connection with any occupancy shall be located not less than 10 feet from any building or property line; provided further, that the stack of any such incinerator shall be constructed in accordance with the Mechanical Code and shall terminate not less than five feet from combustible roof, overhang, or eave construction.

(15) Section 603 is hereby amended to add Section 603.8.10 to read as follows:

Incinerators installed in a trailer camp, mobile home park or permanent camping park shall comply with the provisions of this code. Such incinerators shall be located not less than 10 feet from any property line and 10 feet from any building, trailer, mobile home or camp site.

(16) Section 603 is hereby amended to add Section 603.8.11 to read as follows:

Incinerators and the equipment thereof shall be maintained in good condition and repair at all times.

(17) Section 603 is hereby amended to add Section 603.8.12 to read as follows:

A minimum clearance of 10 feet shall be maintained between incinerators and all rubbish, dry grass, weeds, vegetation and/or any other combustible material.

(18) Section 603 is hereby amended to add Section 603.8.13 to read as follows:

Chimneys used in conjunction with fireplaces or heating appliances in which solid or liquid fuel is used, upon any cabin, house, hotel, building or structure located within 200 feet of any brush or forest covered land or land covered with flammable materials, shall be maintained with a spark arrestor as required for incinerators.

(19) Section 603 is hereby amended to add Section 603.8.14 to read as follows:

A person shall not construct, erect, install, maintain or use any incinerator as to constitute or occasion a fire hazard by the use or burning thereof or as to endanger the life or property of any person thereby.

(20) Section 603 is hereby amended to add Section 603.8.15 to read as follows:

No person shall deposit hot ashes or cinders or smoldering coals, or greasy or oily substances liable to spontaneous ignition into any combustible receptacle or place the same within 10 feet of any combustible materials, except in approved metal or other noncombustible, covered receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the buildings, shall be placed on noncombustible stands and in every case shall be kept at least two feet away from any combustible wall or partition or exterior window opening.

(21) Section 901 is hereby amended to revise Section 901.6.3 to read as follows:

Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official using a system as specified by the fire code official.

(22) Section 906 is hereby amended to add Sections 906.1.1 and 906.1.2 to read as follows:

906.1.1 Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the Chief. All occupancies shall have a minimum of one portable fire

extinguisher on each story and in the basement. Such extinguisher shall have a 2A-10BC rating or extinguishers with an equivalent rating shall be provided unless modified by the Chief or his authorized representative.

906.1.2 Portable fire extinguishers are required in all dwelling units, condominiums, guest rooms in rooming houses, hotels, motels, fraternity houses, sorority houses, group homes, and any other type of residential occupancy, and shall be installed within individual dwelling units. They shall be at least 1A10BC type and installed where they are easily accessible and visible, permanently mounted on a wall. Furthermore, all fire protection equipment shall be maintained in an operable condition.

(23) Section 907 is hereby amended to revise Section 907.6.6 to read as follows:

Monitoring. Fire alarm systems required by this chapter or by the International Building Code shall be monitored by a listed central station as defined in NFPA 72. A certificate or placard shall be issued by a recognized listing organization that has listed the prime contractor for all newly installed fire alarm systems in commercial occupancies in accordance with NFPA 72. This regulation shall apply to all fire alarm systems that are newly installed in commercial occupancies for which permits are required by the City of Kalamazoo Community Planning and Development Department on or after August 29, 2019. Any existing fire alarm system in a commercial occupancy wherein the fire alarm control panel and/or alarm system components are to be replaced shall be considered newly installed for the purpose of this section. Also, where there is a reasonable cause due to noncompliance or faulty conditions, the fire code official may require an existing fire alarm system to meet the same requirements as a newly installed system. Central station service in full compliance with the 2016 edition of NFPA 72, shall be maintained at the protected property, so long as the requirement for the fire alarm system exists.

(24) Section 5704 is hereby amended to add Section 5704.1.1 to read as follows:

5704.1.1 Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.

Exception: Storage of Class I and Class II liquids in aboveground tanks, outside of buildings, within these limits may be permitted if the tanks are enclosed in reinforced concrete vaults approved by the Chief.

(25) Section 5704 is hereby amended to add Section 5704.1.1 to read as follows:

5704.1.1 Rules and regulations. The rules of the Department of State Police, State Fire Safety Board, entitled "Michigan Underground Storage Tank Rules," being R 29.201 — R 29.2169 of the Michigan Administrative Code, and "Storage and Handling of Flammable and Combustible Liquids" being R 29.4101 — R 29.4504 of the Michigan Administrative Code as presently existing and as may be hereinafter amended, are hereby adopted by reference thereto.

(26) Section C103 is hereby amended to revise Section C103.1 to read as follows:

Hydrant Spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 shall be provided with one or more fire hydrants. Fire hydrant spacing of 300 feet shall be the normal operating standard of hydrants. Where streets are provided with median dividers that cannot be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 300 feet on each side of the street and be arranged on an alternating basis. The fire code official is authorized to require additional hydrant placement based on operational necessity, this may be but is not limited to streets that are a primary, trunk, one-way and railroad track placement.

§ 15-42 Enforcement and reports relative thereto.

- A. The International Fire Code adopted by this article shall be enforced by the Bureau of Fire Prevention of the Department of Public Safety. The Chief of the Department of Public Safety, subject to the approval of the City Manager, shall detail such members of the Department of Public Safety as inspectors, as shall from time to time be necessary to enforce such code.
- B. A report of the Bureau of Fire Prevention shall be included in the annual report of the Department of Public Safety and it shall include all proceedings under the code adopted by this article with such statistics and other data as the Chief of the Department of Public Safety may require.

§ 15-43 Establishment of limits referred to in the Uniform Fire Code.

- A. The limits referred to in Section 5704 International Fire Code adopted by this article-in which storage of flammable liquids in outside aboveground tanks is prohibited are hereby established to be the following area in the City:

Beginning at a point on the center line of Stockbridge Avenue and Mills Street; thence north on the center line of Mills Street to the center line of East Vine Street; thence east on the center line of East Vine Street to the City limits line; thence north on the City limits line to a point 150 feet north of the intersection of East Michigan Avenue, Schippers Lane and Wallace Avenue; thence northwest to a point 150 feet east of the intersection of East Michigan Avenue and East Main Street; thence north to the center line of Charlotte and Sherwood Avenue; thence west along the center line of Sherwood Avenue to a point 150 feet east of Riverview Drive; thence north to the center line of Gull Road; thence west along the center line of Gull Road to the center line of Riverview Drive; thence north along the center line of Riverview Drive to the City limits line; thence along the City limits line to a point 150 feet west of Burdick Street; thence due south to a point 150 feet south of the center line of Frank Street; thence west to the center of Simpson Street; thence south to the center line of North Street; thence west to the center line of Elm Street; thence south to the M.C.R.R. tracks; thence southwest along the M.C.R.R. tracks to the center line of Academy Street; thence east along the center line of Academy Street to a point 150 feet west of the center line of Westnedge Street; thence south along a line 150 feet west and parallel with Westnedge to the center line of West Vine Street; thence along the center line of West Vine Street to a point 150 feet west of South Burdick Street; thence south to the center line of Stockbridge Avenue; thence east to the

point of beginning.

- B. The limits in which new bulk plants for flammable liquids are prohibited are hereby established to be the area set forth in Subsection A above.
- C. The limits in which bulk storage of liquefied petroleum gas is restricted, are hereby established to be the area set forth in Subsection A above.

§ 15-44 Modifications.

The Chief of the Department of Public Safety shall have authority to modify any of the provisions of the International Fire Code adopted by this article, upon application in writing by the owner or lessee, or their duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of such code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief of the Department of Public Safety thereon, shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

§ 15-45 Permits for new materials, processes or occupancies not covered by code.

- A. The Chief of the Department of Public Safety shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the code adopted by this article. The person affected may appeal such decision to the Building Board of Appeals as provided in § 15-46. At all times the decision of the Board of Appeals shall be in such a way as to protect the health, safety, and welfare of the people of the City, the occupants of the premises, or persons and property nearby.
- B. The Fire Prevention Bureau of the Department of Public Safety shall disseminate information on all new materials, processes, or occupancies referred to above to department personnel and other involved persons by an approved and current method.

§ 15-46 Appeals from decisions made under code.

Whenever the Chief of the Department of Public Safety shall disapprove an application or refuse to grant a permit applied for under the code adopted by this article, or whenever it is claimed that the provisions of such code do not apply or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Department of Public Safety to the Building Board of Appeals, pursuant to the rules, regulations, and procedures thereof. Such appeal shall be made within 30 days from the date of the decision by the Chief of the Department of Public Safety.

§ 15-47 Violations.

- A. Any person who shall violate any of the provisions of the International Fire Code adopted by this article or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Chief of the Department of Public Safety, Board of Appeals, or

a court of competent jurisdiction, within the time fixed therein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

- B. The application of the above penalty shall not be held to prevent injunction or the enforced removal of prohibited conditions.
- C. In lieu of arrest, this chapter may be enforced by the issuance of an appearance ticket.

Section 2. Repealer.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date.

Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2019. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

Bobby J. Hopewell, Mayor

Scott Borling, City Clerk

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 15
TO THE KALAMAZOO CODE OF ORDINANCES**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Chapter 15 of the Kalamazoo City Code is amended to read as follows:

Chapter 15 Fire Prevention and Protection

Article I

In General

§ 15-1 Carrying explosives or flammable liquids on public conveyances.

No person shall take, transport, convey or carry, either as freight or as hand luggage or baggage, any dynamite, gunpowder, nitroglycerine, fulminate in bulk in dry condition or other explosive substance which explodes by concussion or friction, or any giant powder, gun cotton, kerosene, gasoline, naphtha, benzene, spirits of turpentine or any other explosive, on or in any bus, taxicab or other vehicle used wholly or partially as a public conveyance, within the corporate limits of the City. A person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both.

§ 15-2 Setting fire to hotel and places of abode or furnishings therein.

Any person who shall carelessly, recklessly or negligently, set fire to any hotel, rooming house, lodging house or any place of public abode, or to any bedding, furniture, curtains, drapes or other furnishings therein, so as to endanger life or property in any way, shall be ~~deemed~~ guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both. The proprietor of any such place shall post a written notice of the provisions of this section in a conspicuous place in each sleeping room located in such place.

§ 15-3 False fire alarms.

It shall be unlawful for any person to willfully or knowingly raise or circulate any false alarm of fire. A person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both.

§ 15-4 Damaging fire apparatus or building used to house same.

It shall be unlawful for any person to wantonly or willfully damage any fire apparatus belonging to the City or any building or other structure used to house such apparatus. A person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both.

§ 15-5 Interference with persons detailed to guard property during fire.

It shall be unlawful for any person to interfere, in any way, with the personnel of the Department of Public Safety or with any police officer or public safety officer or other party detailed to guard any property during progress of any fire. A person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both.

§ 15-6 through § 15-16. (Reserved)

Article II

Outdoor Furnaces

§ 15-17 Purpose.

- A. Research conducted by the United States Environmental Protection Agency indicates that outdoor furnaces cause emission problems which can affect human health and safety. Smoke generated by outdoor furnaces can cause visibility problems, worsen cardiovascular diseases, irritate eyes and lungs, trigger headaches, and contribute to respiratory diseases such as asthma, emphysema, and bronchitis. In addition, emissions from outdoor furnaces contain harmful air pollutants such as sulfur oxides, nitrogen oxides, carbon monoxide, and other potentially disease-causing compounds such as polycyclic aromatic hydrocarbons, benzene, formaldehyde, and dioxins.
- B. Persons living and working within residential, commercial, and industrial establishments situated within the City are entitled to clean air and environmental circumstances free of unreasonable smoke, odor, and fumes, as well as living within an aesthetically pleasing environment through the proper storage of debris and combustible fuels.
- C. The purpose of this article is to protect the public health, safety, and welfare of the residents of the City of Kalamazoo from excessive smoke, pollution, soot, contamination, and other toxic air pollutants and offensive odors emanating from outdoor furnaces and to regulate the location and use of same.

§ 15-18 Definitions.

As used in this article, the following terms shall have the meanings indicated:

CLEAN WOOD

Wood that has no paint, stains, or other types of coatings, and wood that has not been treated or combined with any petroleum product, chemical, preservative, adhesive, or other substance, including, but not limited to, copper chromium, arsenate, creosote, or pentachlorophenol.

OUTDOOR FURNACE

Sometimes referred to as a "hydronic heater," means any boiler, stove, furnace, or other appliance designed, intended or used to provide heat and/or hot water to any residence or other structure, which operates by the burning of wood, coal, corn, or other type of solid fuel, and which is not located within a building intended for habitation by humans or domestic animals. Not included in this definition is any device which is fueled by natural gas, propane or fuel oil, if the device has been inspected and approved by the City's mechanical inspector, or any device which is solely designed or used to heat the structure in which the device is located.

§ 15-19 Restrictions.

It is unlawful to install or operate an outdoor furnace or cause or permit the installation or operation of an outdoor furnace within the City except as specifically authorized and permitted in this article.

§ 15-20 Permit required; fee.

- A. Any outdoor furnace existing within the City on August 1, 2009, shall be inspected, and any outdoor furnace installed on or after August 1, 2009, shall require the issuance of a permit by the Code Administration Division of the Community Planning and Development Department.
- B. The permit application shall include information necessary to assure compliance with this article, including, but not limited to:
 - (1) A drawing identifying all the information necessary to assure compliance with this article, including property lines and the location and height of neighboring structures.
 - (2) A copy of the manufacturer's specifications for the outdoor furnace.
- C. The City may charge a fee to cover the reasonable cost of inspection and administration of issuing a permit under this section.

§ 15-21 Installation standards.

Every owner or person in control of an outdoor furnace installed on or after August 1, 2009, shall comply with the following requirements and standards:

- A. No outdoor furnace shall be located on a parcel that is part of a condominium subdivision or platted subdivision.
- B. No outdoor furnace shall be located on a parcel of land less than three acres in area.
- C. No more than one outdoor furnace shall be permitted on any parcel of land.
- D. Before undertaking any excavation to install an outdoor furnace, provide notification to public utilities pursuant to MCLA 460.701 et seq., being the protection of Underground Facilities Act (MISS DIG).
- E. Such devices shall meet all specifications provided by the manufacturer, and, in addition, they must conform to any state construction code provisions that are applicable and to the City's fire prevention code. All outdoor furnaces must be Underwriter Laboratories Inc. listed, certified or otherwise approved by another product safety certification organization.
- F. An outdoor furnace shall have a permanent chimney, equipped with a spark arrestor, which extends at least 15 feet above the ground surface and is at least two feet higher than the height of the highest roof peak of any dwelling in existence when the device is installed and which is owned by a person other than the owner of the outdoor furnace and is located within 500 feet of the outdoor furnace.
- G. An outdoor furnace shall be installed 50 feet or more from a property line and at least 350 feet from the nearest building which is not on the same parcel as the appliance.
- H. No outdoor furnace shall be installed or located in the front yard setback of a parcel.
- I. Any outdoor furnace installed within the City on or after August 1, 2009, shall meet or exceed the United States Environmental Protection Agency's (EPA) smoke emission standards for Phase 2 Qualified (white tag models) hydronic heaters.

§ 15-22 Operation standards.

- A. Outdoor furnaces shall not be used to burn any fuel other than a fuel listed by the manufacturer as a fuel that the device has been designed to handle. Outdoor furnaces shall not be used to burn recyclable materials, plastics, rubber, paper products, trash, rubbish, garbage or yard waste, or any wood that does not meet the definition of "clean wood."
- B. No outdoor furnace shall be operated from April 15 through October 15, inclusive, in any calendar year.
- C. Ashes or waste resulting from burning fuel in an outdoor furnace shall not be accumulated or stored on the premises.
- D. All fuel materials shall be neatly stacked or stored.
- E. Fires in an outdoor furnace shall not be tended by persons under the age of 15 years old.

§ 15-23 Existing outdoor furnaces.

- A. The owner or person in control of an outdoor furnace which exists in the City as of August 1, 2009, shall operate such device in conformance with the operation standards set forth in this article, and the appliance may remain in place, only if the owner or person in control applies for a technical code inspection from the City's Code Administration Division within 30 days of the effective date of this article to assure proper installation and operation of the outdoor furnace. Such inspection by

the City shall occur within 15 business days following application.

- B. Prior to the completion or consummation of the sale or transfer of any real property, upon which, as of August 1, 2009, there exists an outdoor furnace that does not meet the EPA Phase 2 Qualified smoke emission standards for hydronic heaters, the furnace shall be either replaced with an outdoor furnace that meets the installation standards of this article or removed.

§ 15-24 Nuisance.

Any outdoor furnace installed or operated in violation of this article is declared to be a nuisance per se. Nothing in this article shall be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage or nuisance caused by the use of an outdoor furnace.

§ 15-25 Conflicts.

This article shall not be construed as an exemption or an exception to any other provision of the City ordinances, including but not specifically limited to the City's Zoning Code or any other code adopted by reference as an ordinance for which the City is the enforcing agency. In the event of a conflict between the provisions of this article and any other ordinance or other provision of law, the more restrictive provision shall apply.

§ 15-26 Enforcement.

- A. All outdoor furnaces shall be subject to inspection by City's building and mechanical inspectors, and the Fire Marshal to assure that the provisions of this article have been, and continue to be, satisfied.
- B. The Department of Public Safety and Building Inspection Officials are authorized and designated to issue notices and citations for violations of this article.

§ 15-27 Penalty.

Any person who violates this article shall be responsible for a municipal civil infraction punishable by a fine of \$100 for each violation, plus court costs. In addition, the City shall have the ability to proceed in any court of competent jurisdiction to obtain equitable relief or any other appropriate remedy to compel compliance with this article.

**Article IIA
Fireworks**

§ 15-28 Purpose.

- A. The Michigan Fireworks Safety Act legalized the sale, possession, and use of consumer fireworks in Michigan while granting limited control over the use and discharge of fireworks to local communities. Since the adoption of the Act, the citizens of Kalamazoo have endured the disruption of the peace and quietude of its residential neighborhoods resulting in a negative impact to the quality of life of residents. Additionally, the resources of the City have been impacted due to increased complaints of noise and personal injuries owing to the use of fireworks.
- B. The purpose of this article is to impose conditions on the time, place, and manner of the use and discharge of consumer fireworks so as to promote the interest of the public health, safety and welfare consistent with the limitations imposed on municipalities by the Michigan Fireworks Safety Act.

§ 15-29 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACT

The Michigan Fireworks Safety Act, MCLA § 28.451 et seq.

ARTICLES PYROTECHNIC

Pyrotechnic devices for professional use that are similar to consumer fireworks in chemical compositions and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

CONSUMER FIREWORKS

Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and 1507, and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5. "Consumer fireworks" does not include low-impact fireworks.

DISPLAY FIREWORKS

Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA Standard 87-1, 4.1.

HOMEMADE FIREWORKS

Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation that is not produced by a commercial manufacturer and does not comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and 1507.

LOW-IMPACT FIREWORKS

Ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1, 3.1.1.1.1 to 3.1.1.1.8, and 3.5.

MINOR

An individual who is less than 18 years of age.

NFPA 1123

The Code for Fireworks Display, 2010 Edition, developed by the National Fire Protection Association.

§ 15-30 Fireworks prohibitions; exceptions.

- A. A person shall not ignite, discharge or use consumer fireworks or homemade fireworks except on the following days after 11:00 a.m.:
- (1) December 31 until 1:00 a.m. on January 1.
 - (2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
 - (3) June 29 to July 4 until 11:45 p.m. on each of those days.
 - (4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
 - (5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
- B. No person shall ignite, discharge or use consumer fireworks or homemade fireworks on public property, school property, church property or the property of another person without that organization's or the property owner's express permission to use consumer fireworks or homemade

fireworks on those premises.

- C. Consumer fireworks shall not be sold to a minor. This age requirement shall be verified by any of the following:
- (1) An operator's or chauffeur's license issued under the Michigan Vehicle Code, 1949 PA 300, MCLA §§ 257.1 to 257.923.
 - (2) An official state personal identification card issued under 1972 PA 222, MCLA §§ 28.291 to 28.300.
 - (3) An enhanced driver license or enhanced official state personal identification card issued under the Enhanced Driver License and Enhanced Official State Personal Identification Card Act, 2008 PA 23, MCLA § 28.301 to 28.308.
 - (4) A military identification card.
 - (5) A passport.
 - (6) Any other bona fide photograph identification that establishes the identity and age of the individual.
- D. An individual shall not discharge, ignite, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. As used in this subsection:
- (1) "Alcoholic liquor" means that term as defined in Section 1d of the Michigan Vehicle Code, 1949 PA 300, MCLA § 257.1d.
 - (2) "Controlled substance" means that term as defined in Section 8b of the Michigan Vehicle Code, 1949 PA 300, MCLA § 257.8b.

§ 15-31 Environmental concerns prohibition on use of fireworks.

- A. Notwithstanding the days and times permitting the ignition, discharge or use consumer fireworks under § 15-30A., if the environmental concerns based on the Michigan Department of Natural Resources Fire Division criteria are elevated to extreme fire conditions or if the environmental concerns based on the Fire Division criteria are elevated to very high for 72 consecutive hours, the Chief of Public Safety or the Fire Marshal acting under the direction of the Chief of Public Safety, in consultation with the Michigan Department of Natural Resources, has the authority to enforce a no-burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks, homemade fireworks and display fireworks within the City.
- B. If a no-burning restriction is instituted under this section, the Chief of Public Safety or the Fire Marshal acting under the direction of the Chief of Public Safety enforcing the restriction shall ensure that adequate notice of the restriction is provided to the public.
- C. Not more than 24 hours after the fire condition is downgraded from extreme or very high fire condition, the Chief of Public Safety or the Fire Marshal acting under the direction of the Chief of Public Safety enforcing the no-burning restriction that banned the ignition, discharge, and use of fireworks shall inform the public that the restriction has been lifted in the same manner that the restriction was announced or otherwise made known to the public.

§ 15-32 Penalties.

- A. A person who violates § **15-30A** is responsible for a municipal civil infraction and shall be ordered to pay a civil fine of \$1,000 for each violation of the subsection and no other fine or sanction; provided, however, that \$500 of the fine collected shall be remitted to the Kalamazoo Department of Public Safety as required by MCLA § 28.457(3).

- B. A person who violates § **15-30B** is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.
- C. A person who violates § **15-30C** shall be ordered to pay a civil fine of not more than \$100, or, for a second or subsequent violation of that subsection, a civil fine of not more than \$500.
- D. A person who violates § **15-30D** is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$1,000.
- E. A person who violates § ~~15-31~~ **15-32** is guilty of a misdemeanor.

§ 15-33 Approval of public and private displays.

- A. The City Commission reserves to itself the ability granted by the Act at MCLA § 28.456, upon payment of a fee set by the City Commission, to approve the use of articles pyrotechnic and display fireworks for public or private display by organizations and individuals within the City.
- B. The City Commission, upon application in writing on forms provided by the Michigan Department of licensing and regulatory affairs, or its successor agency, and payment of a fee set from time to time by City Commission resolution, may grant a permit for the use of articles pyrotechnic or display fireworks for public or private display within the City by organizations or individuals approved by City authority, and compliance with the Michigan Fireworks Safety Act. A permit granted under this subsection is not transferable and shall not be issued to a minor.
- C. Before a permit for articles pyrotechnic or display fireworks ignition is issued, the person applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character and form deemed necessary as set from time to time by City Commission resolution to protect the public and to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person or an agent or employee of the person.
- D. Before granting a permit, the City Fire Marshal shall rule on the competency and qualifications of an articles pyrotechnic and display fireworks operator, as furnished by the operator on the operator's application form, in accordance with the requirements provided under ~~an NFPA~~ ~~him~~ 1123, and on the time, place and safety aspects of the display of articles pyrotechnic or display fireworks.

§ 15-34 through § 15-39. (Reserved)

**Article III
Fire Prevention Code**

§ 15-40 Adopted.

Pursuant to the authority granted in the Home Rule Cities Act, MCLA § 117.3(k), there is hereby adopted, for the purpose of regulating and governing the safeguarding of life and property from fire or explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Kalamazoo; and providing for the issuance of permits and collection of fees therefor; that certain code known as the "International Fire Code," being particularly the ~~2009~~ **2018** Edition thereof, including appendix chapters, as if set forth fully herein. Any previously adopted fire codes are repealed. The Chief of Public Safety, with the approval of the City Manager, is authorized to make and enforce such other rules and regulations for the prevention and control of fires and fire hazards as may be necessary from time to time to carry out the intent of this code. A copy of the code shall be filed with the City Clerk and shall be in effect upon filing and shall be available for public inspection and distribution at the office of the City Clerk, 241 W. South Street, Kalamazoo, Michigan. In the event that any portion of the International Fire Code (~~2009~~ **2018** edition), including appendix chapters, as adopted by reference, is superseded by the Michigan Fireworks Safety Act, MCLA 28.451 et seq., the provisions of the state law shall control.

§ 15-41 **Amendments and deletions.**

A. Amendments generally. The 2018 ~~2003~~ International Fire Code adopted by § ~~15-40~~ of the Kalamazoo City Code is hereby amended as follows:

(1) Section 105 is hereby amended to add the following at the end of Section 105.1.1:

It shall be unlawful for any person, firm, or corporation to use a building or premises or engage in any activities for which a permit is required by this code without first having obtained such permit. Permits are required from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions.

(2) Section 202 is hereby amended to add or revise the following definitions to read as follows:

BRUSH shall mean the trimmings from trees and/or shrubs.

BUREAU OF FIRE PREVENTION shall mean the Bureau of Fire Prevention of the Department of Public Safety of the City of Kalamazoo.

CAMPFIRE shall mean a fire which is kindled for a civic, social or athletic event made from wood, trees, branches, kindling, wood chips, boxes, compressed wood or any other wood product. A campfire is a type of open fire as defined in this section ~~Section 302.1~~.

CHIEF or CHIEF OF THE FIRE DEPARTMENT shall mean the Chief of Public Safety of the City of Kalamazoo or their ~~his~~ authorized representative.

CHIEF OF POLICE or POLICE DEPARTMENT shall mean the Chief of Public Safety of the City of Kalamazoo or their ~~his~~ authorized representative.

COMBUSTIBLE WASTE MATTER shall mean magazines, books, trimmings from lawns, trees, leaves, flower gardens, pasteboard boxes, rags, papers, plastic, straw, sawdust, packing material, shavings, boxes and all garbage, rubbish and refuse that will ignite through contact with flames or ordinary temperatures.

GARBAGE shall mean the animal or vegetable waste and food wrap materials resulting from the handling, preparation, cooking and/or serving of food.

JURISDICTION shall mean the City of Kalamazoo, Michigan.

RECREATIONAL FIRES shall mean the noncommercial burning of materials, other than rubbish, brush and leaves, for pleasure, religious, ceremonial, cooking, or similar purposes in which the fuel burned is contained in a fire pit or commercial outdoor fireplace with an area that does not exceed 3 feet in diameter.

RUBBISH (TRASH) shall mean any combustible or noncombustible waste matter, except garbage, including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, plastics, tree branches, yard trimmings, tin cans, metals, automobile parts, mineral matter, glass, crockery, dust and the residue from the burning of flammable material and/or combustible waste matter.

~~(3) Section 302.1 is hereby amended to revise or add the following definitions to read as follows:~~

BONFIRE shall mean a fire which is kindled from wood, trees, branches, kindling, wood chips, boxes, compressed wood or any other wood product. A bonfire is a type of open fire as defined in

~~this section~~ ~~Section 302.1.~~

~~(4) Section 302.1 is hereby amended to add or revise the following definitions to read as follows:~~

OPEN BURNING or OPEN FIRE shall mean a fire made from any combustible waste matter or any flammable material of any type or kind, including but not limited to wood, trees, branches, wood chips, compressed wood or other wood products, which is kindled and maintained in whole or in part in the open air.

(3) Section 307.1 is hereby revised to read as follows:

- (a) No person shall kindle or maintain any open fire or authorize any such open fire to be kindled or maintained on any private property within the City of Kalamazoo, unless expressly permitted by the Fire Marshal.
- (b) During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or any other place within the City of Kalamazoo.
- (c) Waste matter shall not be burned, under permit or otherwise, which shall, in burning, cause or create a dense smoke or odor.
- (d) The burning of leaves or brush within the City of Kalamazoo is hereby prohibited.
- (e) No person shall kindle or maintain any open fire or authorize such open fire to be kindled or maintained on or in any public street, alley, road, public right-of-way, or other public place.
- ~~(f) The kindling of bonfires or campfires within the City of Kalamazoo is hereby prohibited.~~
[Move to 15-41(4) as it is now addressed in the IFC]
- (f) No person shall throw down or drop any lighted match, cigar, cigarette or other burning substance in combustible material or in close proximity thereto.
- (g) The burning of garbage or rubbish is prohibited within the City of Kalamazoo, except in an incinerator approved as required by Section 603.8.
- (h) No fire shall be kindled or maintained in a barrel or trash burner or any other form of incinerator which does not meet the requirements of Section 603.8 of this code.

Exceptions: The provisions of Section 307.1 ~~and (b)~~ shall not apply to:

1. The burning of wood, charcoal, coke or other accepted fuel for the preparing of food in any form, in an approved container or utensil manufactured for food preparation, while being used in a safe and sanitary manner.
2. The use of approved gaseous or liquid fired salamanders commonly employed in conjunction with building and construction operations when being used in accordance with accepted safety standards.

3. Roofers, tinnern, plumbers, or other mechanics pursuing a business requiring the use of fire for the purpose of boiling tar, pitch or oil used in the regular course of their business or trade and while being used in a safe and sanitary manner conforming to all other applicable codes and requirements.

- (4) Section 307 is hereby amended to revise Section 307.4.1 to read as follows:

Bonfires. The kindling of bonfires or campfires within the City of Kalamazoo is hereby prohibited.

- (5) Section 307 is hereby amended to revise Section 307.4.2 to read as follows:

Recreational fires. A permit shall be obtained from the fire code official prior to conducting a recreational fire.

Exception. Recreational fires may be conducted without a permit in an approved outdoor device in accordance to manufacturer's instructions at single- and two-family dwellings on a single parcel under the following conditions:

1. The device shall have a screen cover that aids in the protection to contain burning particulate from escaping into the atmosphere.
2. The device shall be 25' from any structure or combustibles.
3. A person shall have a garden hose connected to a reliable water source readily available for use.
4. The size of the fire shall be no larger than 3'x3'x3'.
5. Firewood being burned shall not have a diameter larger than 3" in diameter.
6. Burning shall not create a foul or offensive odor or cause smoke emissions that are reasonably offensive to occupants of surrounding property.
7. The burning of garbage, leaves, or other waste material is prohibited.
8. Any fire shall be extinguished at the direction of a Public Safety Officer if the fire is determined to constitute a hazardous condition, to create a foul or offensive odor, or to cause smoke emissions that are reasonably offensive to occupants of surrounding property.
9. The fire shall be constantly attended by a competent person until such fire is extinguished.

- (6) Section 307 is hereby amended to revise Section 307.4.3 to read as follows:

Portable outdoor fireplaces. A permit shall be obtained from the fire code official prior to using a portable outdoor fireplace.

Exception. Portable outdoor fireplaces at single- and two-family dwellings may be conducted without a permit when they are used in accordance with the manufacturer's instructions and not operated within 25 feet of a structure or combustible material.

- (7) Section 307 is hereby amended to add Section ~~307.5~~ 307.6 to read as follows:

~~307.5~~ 307.6 Open Burning for training and emergency purposes.

(a) Open burning for Department of Public Safety and civil defense purposes may be specifically permitted in writing by the Chief after a determination by the Chief that such open burning will occur under the following circumstances:

- i. The area is adequately protected by firemen or public safety officers, or department trainees, or other authorized representatives.
- ii. The fire will be of short duration.
- iii. The atmosphere is relatively free of pollutants.

(b) The Chief may issue permits for such open fires as he deemed necessary in times of disaster or emergency.

(8) Section 308 is hereby amended to revise Section 308.1.4 to read as follows:

Open-flame cooking devices. Charcoal burners and other open flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction, decorations or furnishings.

(9) Section 308 is hereby amended to add Section 308.1.4.1 to read as follows:

Open flame cooking devices shall not be operated over a public right of way or property of others.

(10) Section 403 is hereby amended to revise Exception 1 to Section 403.12.3.1 to read as follows:

Outdoor events with a capacity of less than 1,000 are not required to provide crowd managers, unless the outdoor event is held in a confined site.

(11) Section 505 is hereby amended to revise Section 505.1 to read as follows:

Address identification. New and existing commercial or multi-family buildings shall provide address identification as follows:

1. Street number and street name are required.
 - a. Numbers and letters must be in a color or material that provides contrast with its background.
 - b. Numbers should not be spelled out, but in numerical text.
2. Format. (number, letter, stroke for each)
 - a. Residential – Multiple-unit residential buildings containing up to four units and those residential buildings with an exterior appearance of a single home that are divided into multiple units shall comply with the following:
 - i. Text. Only street number is required.
 - ii. Size. Numbers and letters shall be 4 inches to 6 inches in size.
 - iii. Location. Street numbers shall be located on the street facing facade with the primary entrance and/or on a mail box or fence at the front property line.
 - iv. Corner buildings shall locate street numbers on the side of recorded address.
 - b. All other buildings shall comply with the following:
 - i. Text. Both street number and street name are required.
 - ii. Size. Street numbers shall be 12 inches in height, with a minimum stroke width of 1.5 inches. Street name shall be a minimum of 6 inches in height.
 - The fire code official may require that buildings set back more than 50 feet from the street or that have permanent obstructions limiting visibility (utility poles, bridges, fencing, etc.), utilize street numbers up to 24 inches in height.

- Building facades facing alleys and courts and those facades facing secondary streets shall utilize letters 12 inches in height.
- iii. Location. Street numbers and street names shall be located on all street facing facades in such a way as to minimize the obstruction from trees, light poles, and other signage.
 - Buildings located more than 50 feet from the street may utilize a free-standing sign for its street number and street address requirements when the sign is located directly adjacent to the driveway(s) into the site and is visible to travel in all directions.
- iv. Multiple Addresses. Buildings with multiple addresses or separate suites shall have the street number or suite number located within 5 feet of the front entrance for each address, regardless of other free standing or collective address signage.
 - These numbers shall be 6 inches in height.
 - When these numbers are located on clear glazing, such as doors or windows, the numbers shall be white or black to achieve contrast during all lighting conditions.

(12) Section 603 is hereby amended to revise Section 603.8.4 to read as follows:

All burning shall take place during hours approved by the Chief. Burning shall be confined to incinerators which are permitted as set forth herein.

(13) Section 603 is hereby amended to add Section 603.8.~~8~~7 to read as follows:

The installation, operation, and/or construction of a commercial, industrial, or residential-type incinerator is hereby prohibited without first obtaining a permit to construct, install, alter or operate such incinerator from the Michigan Department of Natural Resources, Air Quality Division.

(14) Section 603 is hereby amended to add Section 603.8.~~9~~8 to read as follows:

Any incinerator allowed to be used in connection with any occupancy shall be located not less than 10 feet from any building or property line; provided further, that the stack of any such incinerator shall be constructed in accordance with the Mechanical Code and shall terminate not less than five feet from combustible roof, overhang, or eave construction.

(15) Section 603 is hereby amended to add Section 603.8.~~10~~9 to read as follows:

Incinerators installed in a trailer camp, mobile home park or permanent camping park shall comply with the provisions of this code. Such incinerators shall be located not less than 10 feet from any property line and 10 feet from any building, trailer, mobile home or camp site.

(16) Section 603 is hereby amended to add Section 603.8.~~11~~10 to read as follows:

Incinerators and the equipment thereof shall be maintained in good condition and repair at all times.

(17) Section 603 is hereby amended to add Section 603.8.~~12~~11 to read as follows:

A minimum clearance of 10 feet shall be maintained between incinerators and all rubbish, dry grass, weeds, vegetation and/or any other combustible material.

(18) Section 603 is hereby amended to add Section 603.8.~~13~~12 to read as follows:

Chimneys used in conjunction with fireplaces or heating appliances in which solid or liquid fuel is used, upon any cabin, house, hotel, building or structure located within 200 feet of any brush or forest covered land or land covered with flammable materials, shall be maintained with a spark arrestor as required for incinerators.

(14) Section 603 is hereby amended to add Section 603.8.13 to read as follows:

- (j) ~~All residential outdoor fireplaces or patio fireplaces must meet the following standards:~~
 - i. ~~In addition to the requirements set forth in Section 603.8, the devices must be commercially produced according to a standard set by a certified approval agency such as Underwriter's Laboratories (UL) or Factory Mutual Laboratories (FM), or else approved by the Fire Marshal.~~
 - ii. ~~When devices being used must be in compliance with all other burning regulations, and shall not create excessive smoke or odors, shall not burn any type of garbage or waste matter and shall be properly set back from combustible products.~~

(19) Section 603 is hereby amended to add Section 603.8.14 to read as follows:

A person shall not construct, erect, install, maintain or use any incinerator as to constitute or occasion a fire hazard by the use or burning thereof or as to endanger the life or property of any person thereby.

(20) Section 603 is hereby amended to add Section 603.8.15 to read as follows:

No person shall deposit hot ashes or cinders or smoldering coals, or greasy or oily substances liable to spontaneous ignition into any combustible receptacle or place the same within 10 feet of any combustible materials, except in approved metal or other noncombustible, covered receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the buildings, shall be placed on noncombustible stands and in every case shall be kept at least two feet away from any combustible wall or partition or exterior window opening.

(21) Section 901 is hereby amended to revise Section 901.6.3 to read as follows:

Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official using a system as specified by the fire code official.

(22) Section 906 is hereby amended to add Sections 906.1.1 and 906.1.2 to read as follows:

906.1.1 Portable fire extinguishers shall be installed in occupancies and locations as set forth in this code and as required by the Chief. All occupancies shall have a minimum of one portable fire extinguisher on each story and in the basement. Such extinguisher shall have a 2A-10BC rating or extinguishers with an equivalent rating shall be provided unless modified by the Chief or his authorized representative.

906.1.2 Portable fire extinguishers are required in all dwelling units, condominiums, guest rooms in rooming houses, hotels, motels, fraternity houses, sorority houses, group homes, and any other type of residential occupancy, and shall be installed within individual dwelling units. They shall be at least 1A10BC type and installed where they are easily accessible and visible, permanently mounted on a wall. Furthermore, all fire protection equipment shall be maintained in an operable

condition.

(23) Section 907 is hereby amended to revise Section 907.6.6 to read as follows:

Monitoring. Fire alarm systems required by this chapter or by the International Building Code shall be monitored by a listed central station as defined in NFPA 72. A certificate or placard shall be issued by a recognized listing organization that has listed the prime contractor for all newly installed fire alarm systems in commercial occupancies in accordance with NFPA 72. This regulation shall apply to all fire alarm systems that are newly installed in commercial occupancies for which permits are required by the City of Kalamazoo Community Planning and Development Department on or after August 29, 2019. Any existing fire alarm system in a commercial occupancy wherein the fire alarm control panel and/or alarm system components are to be replaced shall be considered newly installed for the purpose of this section. Also, where there is a reasonable cause due to noncompliance or faulty conditions, the fire code official may require an existing fire alarm system to meet the same requirements as a newly installed system. Central station service in full compliance with the 2016 edition of NFPA 72, shall be maintained at the protected property, so long as the requirement for the fire alarm system exists.

~~(18) (Reserved)~~

(24) Section ~~5704~~ 3404 is hereby amended to add Section 5704.1.1 ~~3401.1.1~~ to read as follows:

5704.1.1 ~~3401.1.1~~ Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.

Exception: Storage of Class I and Class II liquids in aboveground tanks, outside of buildings, within these limits may be permitted if the tanks are enclosed in reinforced concrete vaults approved by the Chief.

(25) Section ~~5704~~ 3404 is hereby amended to add a new Section 5704.1.1 ~~3401.1.2~~ to read as follows:

5704.1.1 ~~3401.1.2~~ Rules and regulations. The rules of the Department of State Police, State Fire Safety Board, entitled "Michigan Underground Storage Tank Rules," being R 29.201 — R 29.2169 of the Michigan Administrative Code, and "Storage and Handling of Flammable and Combustible Liquids" being R 29.4101 — R 29.4504 of the Michigan Administrative Code as presently existing and as may be hereinafter amended, are hereby adopted by reference thereto.

~~(21) (Reserved)~~

~~(22) Section 907 is hereby amended to replace Section 907.3.2 and its subsections, being Subsections 907.3.2.1, 907.3.2.2 and 907.3.2.3, with the following:~~

~~**907.3.2 Single and multiple station smoke alarms.** Single and multiple station smoke alarms shall be installed in existing Group R occupancies in accordance with Sections 907.3.2.1 and 907.3.2.2~~

~~**907.3.2.1** Smoke detectors conforming to M.B.C. Standard No. 43-6 shall be installed in dwelling units and guest rooms of all Group R occupancies. Detectors shall be installed on each story of the building and centrally located on the ceiling or wall of the main room or sleeping area of each Group R Division 1 or lodging house dwelling unit and in each bedroom. In single-family and two-family dwellings, detectors shall be installed on each story centrally located and in each bedroom. Where a sleeping room is on an upper level, a detector shall be placed at the center of the ceiling directly above the stairway. A smoke detector shall be installed in the basement of dwelling units. All detectors shall be located in~~

~~accordance with approved manufacturer's instructions which do not conflict with this section. When activated, the detector shall provide an alarm within the dwelling, dwelling unit, or guest room.~~

~~**907.3.2.2** Except as otherwise provided in this section, required smoke detectors shall receive their primary power from the building wiring and shall have a battery backup. Wiring shall be permanent and without a disconnecting switch other than those required for over current protection. Smoke detectors may be battery operated when installed in Group R, Division 3 occupancies or Group R, Division 1 occupancies with five dwelling units or less constructed prior to April 28, 1980, and buildings without commercial power. In all other existing Group R occupancies and buildings, smoke detectors shall receive their primary power as prescribed for new construction in Chapter 9 of the Kalamazoo City Code. However, battery operated smoke detectors may be installed in the bedrooms of existing Group R occupancies which are in compliance with detector requirements prior to the passage of this code. In all Group R, Division 1 buildings with five dwelling units or less which undergo alterations, repairs, or additions valued in excess of \$5,000, required smoke detectors shall, in the area which was altered or repaired or in the addition, receive their primary power from the building wiring and have battery backup as required for new construction in Chapter 9 of the Kalamazoo City Code.~~

[Already addressed in International Fire Code and Building Code]

(26) Section C103 is hereby amended to revise Section C103.1 to read as follows:

Hydrant Spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 shall be provided with one or more fire hydrants. Fire hydrant spacing of 300 feet shall be the normal operating standard of hydrants. Where streets are provided with median dividers that cannot be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 300 feet on each side of the street and be arranged on an alternating basis. The fire code official is authorized to require additional hydrant placement based on operational necessity, this may be but is not limited to streets that are a primary, trunk, one-way and railroad track placement.

§ 15-42 Enforcement and reports relative thereto.

- A. The ~~Uniform Fire Code~~ **International Fire Code** adopted by this article shall be enforced by the Bureau of Fire Prevention of the Department of Public Safety. The Chief of the Department of Public Safety, subject to the approval of the City Manager, shall detail such members of the Department of Public Safety as inspectors, as shall from time to time be necessary to enforce such code.
- B. A report of the Bureau of Fire Prevention shall be included in the annual report of the Department of Public Safety and it shall include all proceedings under the code adopted by this article with such statistics and other data as the Chief of the Department of Public Safety may require.

§ 15-43 Establishment of limits referred to in the Uniform Fire Code.

- A. The limits referred to in Section ~~5704 79.501 of the Uniform Fire Code~~ **International Fire Code** adopted by this article in which storage of flammable liquids in outside aboveground tanks is prohibited are hereby established to be the following area in the City:

Beginning at a point on the center line of Stockbridge Avenue and Mills Street; thence north on the center line of Mills Street to the center line of East Vine Street; thence east on the center line of East Vine Street to the City limits line; thence north on the City limits line to a point 150 feet north of the intersection of East Michigan Avenue, Schippers Lane and Wallace Avenue; thence northwest to a point 150 feet east of the intersection of East Michigan Avenue and East Main Street; thence north to the center line of Charlotte and Sherwood Avenue; thence west along the

center line of Sherwood Avenue to a point 150 feet east of Riverview Drive; thence north to the center line of Gull Road; thence west along the center line of Gull Road to the center line of Riverview Drive; thence north along the center line of Riverview Drive to the City limits line; thence along the City limits line to a point 150 feet west of Burdick Street; thence due south to a point 150 feet south of the center line of Frank Street; thence west to the center of Simpson Street; thence south to the center line of North Street; thence west to the center line of Elm Street; thence south to the M.C.R.R. tracks; thence southwest along the M.C.R.R. tracks to the center line of Academy Street; thence east along the center line of Academy Street to a point 150 feet west of the center line of Westnedge Street; thence south along a line 150 feet west and parallel with Westnedge to the center line of West Vine Street; thence along the center line of West Vine Street to a point 150 feet west of South Burdick Street; thence south to the center line of Stockbridge Avenue; thence east to the point of beginning.

- B. The limits in which new bulk plants for flammable liquids are prohibited are hereby established to be the area set forth in Subsection A above.
- C. The limits ~~referred to in Section 82.105(A) of the Uniform Fire Code adopted by this article~~, in which bulk storage of liquefied petroleum gas is restricted, are hereby established to be the area set forth in Subsection A above.

§ 15-44 Modifications.

The Chief of the Department of Public Safety shall have ~~power~~ authority to modify any of the provisions of the ~~Uniform Fire Code~~ International Fire Code adopted by this article, upon application in writing by the owner or lessee, or ~~his~~ their duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of such code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief of the Department of Public Safety thereon, shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

§ 15-45 Permits for new materials, processes or occupancies not covered by code.

- A. The Chief of the Department of Public Safety shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the code adopted by this article. The person affected may appeal such decision to the Building Board of Appeals as provided in § 15-46. At all times the decision of the Board of Appeals shall be in such a way as to protect the health, safety, and welfare of the people of the City, the occupants of the premises, or persons and property nearby.
- B. The Fire Prevention Bureau of the Department of Public Safety shall ~~post a list of~~ disseminate information on all new materials, processes, or occupancies referred to above ~~in a conspicuous place in the Bureau office and distribute copies thereof to interested persons~~ to department personnel and other involved persons by an approved and current method.

§ 15-46 Appeals from decisions made under code.

Whenever the Chief of the Department of Public Safety shall disapprove an application or refuse to grant a permit applied for under the code adopted by this article, or whenever it is claimed that the provisions of such code do not apply or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Department of Public Safety to the Building Board of Appeals, pursuant to the rules, regulations, and procedures thereof. Such appeal shall be made within 30 days from the date of the decision by the Chief of the Department of Public Safety.

§ 15-47 Violations.

- A. Any person who shall violate any of the provisions of the ~~Uniform Fire Code~~ International Fire Code adopted by this article or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of

specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Chief of the Department of Public Safety, Board of Appeals, or a court of competent jurisdiction, within the time fixed therein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both ~~as provided in § 1-7 of this Code~~. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

- B. The application of the above penalty shall not be held to prevent injunction or the enforced removal of prohibited conditions.
- C. In lieu of arrest, this chapter may be enforced by the issuance of an appearance ticket.

Section 2. Repealer.

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date.

Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2019. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

Bobby J. Hopewell, Mayor

Scott Borling, City Clerk



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: Scott A Borling City Clerk,

DATE: 7/23/2019

SUBJECT: Local Approval of a Joint Off-Premises Tasting Room License for Grand Traverse Distillery, LLC to be Located at 224 E. Michigan Avenue.

RECOMMENDATION

It is recommended that the City Commission adopt a RESOLUTION from the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission (MLCC) recommending approval of a Joint Off-Premises Tasting Room License for Grand Traverse Distillery, LLC with the Winery at Black Star Farms, LLC at 224 E. Michigan Avenue.

BACKGROUND

In December of 2018 the Michigan Legislature created a new series of liquor licenses for tasting rooms, including the Joint Off-Premises Tasting Room License. This license is issued to a manufacturer that holds a Wine Maker, Small Wine Maker, Brandy Manufacturer, Distiller, and/or Small Distiller license and allows the business to jointly operate an approved tasting room with another business that also holds one of these manufacturing licenses. The tasting room must be located off the manufacturing premises of both businesses. A business with a Wine Maker, Small Wine Maker, Brandy Manufacturer, Distiller, and/or Small Distiller licenses may have up to five Joint Off-Premises Tasting Room licenses (including any Off-Premises Tasting Room licenses) where it may sell and serve full drinks of its wine, brandy, or spirits products for consumption on the premises and may sell or give away samples of any size for consumption on the premises. A manufacturer may also have an unlimited number of Joint Off-Premises Tasting Room licenses where it may sell or give away samples of its wine, brandy, or spirits in limited quantities per sample: 3 ounces of wine per sample and ½ ounce of brandy or spirits per sample. An fact sheet on the different types of tasting room licenses is attached.

The adoption of this resolution would allow Grand Traverse Distillery to operate a joint tasting room with the Winery at Black Star Farms, LLC at 224 E. Michigan Avenue. The City Commission granted local approval to Black Star Farms for the same license at the same location in on May 6, 2019.

COMMUNITY RESOURCES CONSULTED

No community resources were consulted.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

ATTACHMENTS:

Type	Description
------	-------------

- ▣ Resolution Local Approval Resolution
- ▣ Background Tasting Room Information Sheet
Material



Local Government Approval For Joint Off-Premises Tasting Room License
(Authorized by MCL 436.1536)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new Joint Off-Premises Tasting Room License application.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ regular _____ meeting of the _____ Kalamazoo City Commission _____ council/board
(regular or special) (township, city, village)
called to order by _____ on _____ August 5, 2019 _____ at _____ 7:00 p.m.
the following resolution was offered: (date) (time)
Moved by _____ and supported by _____
that the application from _____ Grand Traverse Distillery, LLC
(name of applicant - if a corporation or limited liability company, please state the company name)

for a **NEW JOINT OFF-PREMISES TASTING ROOM LICENSE**

to be located at: _____ 224 East Michigan Avenue, Kalamazoo, MI in the City of Kalamazoo, County of Kalamazoo

It is the consensus of this body that it _____ recommends _____ this application be considered for
(recommends/does not recommend)
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____ city
council/board at a _____ regular _____ meeting held on _____ August 5, 2019 _____
(regular or special) (date) (township, city, village)

Scott A. Borling

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059

Manufacturing Premises & Approved Tasting Rooms

(Pursuant to MCL 436.1536 & MCL 436.1537)

Licensed Manufacturing Premises Only



Brewer
Micro Brewer
Wine Maker
Small Wine Maker

Distiller (Manufacturer of Spirits)
Small Distiller
Brandy Manufacturer
Manufacturer of Mixed Spirit Drink

- Manufacturing Only - No Retail Sales
- No Local Approval Required For Commission Approval
- No Liquor Liability Insurance Required
- No Server Training Required

Licensed Manufacturing Premises + On-Premises Tasting Room Permit



Brewer
Micro Brewer
Wine Maker
Small Wine Maker

Distiller (Manufacturer of Spirits)
Small Distiller
Brandy Manufacturer
Manufacturer of Mixed Spirit Drink

- Manufacturing And Retail Sales On The Premises
- Requires On-Premises Tasting Room Permit
- Local Approval Required Prior To Commission Approval
- Liquor Liability Insurance Required
- Server Training Required
- May Sell And Serve Drinks By The Glass
- May Give Away Samples For Consumption On The Premises
- May Sell Products For Consumption Off The Premises
- May Sell And Serve Food On The Premises

Off-Premises Tasting Room License At A Location Off The Manufacturing Premises



**Up To 5 Locations =
Drinks By The Glass**

**Unlimited Locations =
Samples Only**

Wine Maker
Small Wine Maker
Small Distiller

Distiller (Manufacturer of Spirits)
Brandy Manufacturer
Manufacturer of Mixed Spirit Drink

- Retail Sales Only Off The Manufacturing Premises
- Requires Off-Premises Tasting Room License
- Local Approval Required Prior To Commission Approval
- Liquor Liability Insurance Required
- Server Training Required
- May Sell And Serve Drinks By The Glass At Up To 5 Locations
- May Sell Or Give Away Samples For Consumption On The Premises At An Unlimited Number Of Locations:
 - Spirit And Brandy Samples Limited To 1/2 Ounce Per Sample
 - Wine Samples Limited To 3 Ounces Per Sample
- May Sell Products For Consumption Off The Premises
- May Sell And Serve Food On The Premises



**Liquor
Control
Commission**

Questions? Contact the Michigan Liquor Control Commission
Toll-Free: 866-813-0011 • www.michigan.gov/lcc

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Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: Steve Vicenzi, Management Services Director / CFO

PREPARED BY: Steve Vicenzi, Management Services Director / CFO

DATE: 7/25/2019

SUBJECT: FY 2018 Budget Carryforwards and FY 2019 Budget Adjustments

RECOMMENDATION

It is recommended that the City Commission approve budget amendments in the amount of \$4,792,802.

BACKGROUND

The City's Budget Policies adopted by the City Commission require certain approvals and disclosures regarding the use of unspent funds. The purpose is to adjust the current year budget plan for known changes and to carry forward specific items included in the FY 2018 Budget, but not completed in FY 2018 to FY 2019.

In addition, carryforwards and adjustments authorized by the City's budget policies of \$18,836,053.51 for the use of contingency reserves, capital carry forwards, contributions received in aid of capital, and grants and donations received under \$25,000 are provided for informational purposes.

General Fund Amendments:

The General Fund requests amendments of \$84,000 for facility studies planned and budgeted in 2018, but not executed until 2019.

Special Revenue Fund Adjustments:

During FY 2018 the City Commission approved an additional \$400,000 to the Blight Abatement Fund to assist with housing demolitions of burned and condemned units within the city limits. A proposed carryforward of \$406,000 is requested to continue these efforts in FY 2019.

Foundation for Excellence Aspirational Projects Carryforward and Adjustment:

At the end of 2018, the Foundation for Excellence Aspirational Projects fund had remaining funds of \$3,852,802 for on-going projects and initiatives. This includes a proposed reallocation of \$204,500 in 2018 FFE funds to be used for the following operational expenses:

Consultant	\$ 180,000
Insurance	\$ 15,000
Audit	\$ 5,000

Due Diligence Meetings	\$ 4,000
Bank Fees	\$ 500
Total	\$ 204,500

Insurance Fund

A budget amendment is requested in the Insurance Fund for \$450,000 for the establishment of an Employee Health Clinic. The Clinic will supplement healthcare services provided to employees and is anticipated to result in future savings in total healthcare costs.

General Fund Contingency Reserve (Informational):

The City Commission established a General Fund contingency reserve in 2018 for \$500,000. The budget policies authorize the City Manager to utilize contingency reserves for priority initiatives and emergencies according to the authorization levels in the City's purchasing policy. To date, the City Manager has approved the use of this reserve in the amount of \$74,280 to replaced rejected grant funds for the Department of Public Safety to purchase a Gas Chromatograph Mass Spectrometer and an interview room audio video recording system.

Capital Fund Carryforward (Informational):

The City's budget policies authorize approved capital project budgets to be re-appropriated at the end of the year. For informational purposes, the attached schedule includes \$18,616,910.54 in budgeted capital projects carried forward from 2018 to 2019 as follows:

CIP	\$ 3,559,705.20
Local Streets	\$ 1,205,545.71
Major Streets	\$ 4,666,649.98
Water	\$ 4,406,240.20
Wastewater	\$ 5,948,315.16
Total	\$18,616,910.54

Enterprise Contribution in Aid of Capital (Informational):

The budget policies authorize the Water and Wastewater funds to appropriate contributions in excess of the anticipated budget for contributions received in aid of capital. Through June 30, 2019, the Water fund has received the following contribution exceeding the initial budget:

Project	Name	Contributions in Aid
wat0500290	N 9TH ST - AUTUMN GROVE	\$3,500.00
wat0500304	WMU BTR PHASE II	21,510.00
wat0500309	400 S ROSE	5,265.00
wat0500311	CD12 - 180 E WATER ST	10,636.00
wat0500312	VOK APARTMENTS	4,863.00
wat0500324	APPLEGATE POINT	13,874.00
wat0500325	TURNING STONE	10,506.00
wat0500328	SCHUPAN ALUMINUM	8,843.00
	TOTAL	\$78,997.00

Grants less than \$25,000 (Informational):

The budget policies authorize the City Manager to accept grants and donations under \$25,000.

The City Manager's office has accepted requests for a total of \$255,722.85 in grants and donations under \$25,000. This amount includes, \$189,906.88 for FY 2018 and \$65,865.97 for FY 2019 (as of July 2019). A listing of the donations and grants accepted are included in the attachments.

POLICY CONSIDERATIONS

This request is compliant with adopted Budget Policies.

COMMUNITY RESOURCES CONSULTED

None.

FISCAL IMPACT

The fiscal impact is described in the background section of this report.

ALTERNATIVES

The City Commission could choose not to amend the FY2019 budget for all or a portion of the operational carry forwards, which would hinder the completion of projects originally included in the FY2018 budget.

ATTACHMENTS:

Type Description

- ▣ Report 2018 Capital Carryforward
- ▣ Report 2018-2019 FFE Carryforwards
- ▣ Report Grants & Donations Under \$25K

City of Kalamazoo
2018 Capital Project Carryforward

2018 Capital Project Carryforward		2018 Carryforward Funding						
		2018 Adjusted Budget	Outside Funding	Foundation for Excellence	Other City Funding	Reserves	Contribution in Aid	Total Carryforward
Capital Improvement Program (CIP)								
Public Safety								
STATION #2-BRYANT	500,021.36				500,021.36			500,021.36
Total Public Safety Projects	500,021.36	-	-	-	500,021.36	-		500,021.36
General Fund								
311 SYSTEM IMPLEMENTATION	478,676.53				78,917.51			78,917.51
BUDGET HOLDING - ACCOUNTING USE ONLY	96,826.21				96,826.21			96,826.21
Total General Fund	575,502.74	-	-	-	175,743.72	-		175,743.72
Parks and Recreation Projects								
HENDERSON TOT LOT IMPROVEMENTS	331,968.94		75,545.42					75,545.42
BRONSON PARK IMPROVEMENTS	3,140,865.00	1,166,425.61						1,166,425.61
FARMERS MARKET REDEVELOPMENT	1,247,563.26				204,777.64			204,777.64
DAVIS STREET PARK IMPROVEMENTS	229,914.80				5,023.55			5,023.55
CRANE PARK REDEVELOPMENT	800,257.77				201,374.31			201,374.31
ROCKWELL PARK IMPROVEMENTS	401,627.18		64,054.20					64,054.20
FRAYS PARK IMPROVEMENTS	195,500.00		26,803.44					26,803.44
FARRELL PARK SPLASH PAD	36,000.00				4,687.27			4,687.27
REED STREET PARK REDEVELOPMENT	5,683.00		83.00					83.00
Total Parks and Recreation Projects	6,389,379.95	1,166,425.61	166,486.06	-	415,862.77	-		1,748,774.44
Public Services								
10YD DUMP TRUCK - FORESTRY	236,958.00				236,958.00			236,958.00
SNO-MELT SYSTEM	230,204.99				109,346.99			109,346.99
FIBER OPTIC NETWORK	156,500.35				50,925.58			50,925.58
STATION #5 FACILITY RENOVATIONS	144,000.00				20,553.75			20,553.75
KAL RIVER VALLEY TRAIL-DOWNTOWN CONNECT	50,852.71				8,349.73			8,349.73
PARKING ACCESS AND REV CONTROL SYS	1,039,886.95				678,217.48			678,217.48
KRVT - PORTAGE CREEK TRAIL PH (3)	38,000.00				30,814.15			30,814.15
Total Public Services Projects	1,896,403.00	-	-	-	1,135,165.68	-		1,135,165.68
Total Capital Improvement Program (CIP)	9,361,307.05	1,166,425.61	166,486.06	-	2,226,793.53	-		3,559,705.20
								38.0%

City of Kalamazoo
2018 Capital Project Carryforward

2018 Capital Project Carryforward		2018 Carryforward Funding					
		2018 Adjusted Budget	Outside Funding	Foundation for Excellence	Other City Funding	Reserves	Contribution in Aid
Local Streets Capital Projects							
PRATT ROAD CULVERT	256,102.01				7,034.57		7,034.57
NORWAY AVE-ROSE TO WESTNEDGE	150,000.00		150,000.00				150,000.00
BRYANT ALLEY-JAMES TO CAMERON	17,985.73				17,985.73		17,985.73
BETSY ANN PL RECONSTRUCTION	633,650.97				2,440.00		2,440.00
WOODWARD - PATERSON TO DUNKLEY SIDEWALKS	97,580.00		97,200.00				97,200.00
MABEL - WESTNEDGE TO COBB SIDEWALKS	213,700.00		30,557.00				30,557.00
BROADWAY AVE - PARKVIEW TO LORRAINE	47,492.69				11,805.30		11,805.30
SPRINGMONT AVE - OAKLAND TO LOWDEN	80,000.00				17,422.40		17,422.40
STORM WATER COLLECTION STUDY	641,064.00	590,357.27					590,357.27
SUN VALLEY	150,000.00		140,956.00				140,956.00
LAKE ST - NON-MOTORIZED PATH	75,000.00		75,000.00				75,000.00
LOCUST - VINE TO LOVELL	437,000.00		52,287.44				52,287.44
RESERVATION STREET SIGNAGE	12,500.00				12,500.00		12,500.00
Total Local Streets Projects	2,812,075.40	590,357.27	546,000.44	-	69,188.00	-	1,205,545.71
Major Streets Capital Projects							
STADIUM/DRAKE INTERSECTION	16,394.17				16,393.45		16,393.45
I94/SPRINKLE ROAD INTERCHANGE	6,026.87				6,006.26		6,006.26
EAST MAIN (EAST MICHIGAN TO WALLACE)	15,191.74				15,191.74		15,191.74
KILGORE (SERVICE DRIVE TO SPRINKLE)	87,813.77				66,507.94		66,507.94
EAST MICHIGAN (RIVERVIEW TO WALLACE)	11,562.65				10,462.65		10,462.65
DRAKE ROAD SHARED USE PATHWAY	81,000.00	79,602.25					79,602.25
BURDICK STREET TRAFFIC SIGNAL UPGRADE	389,176.74				136,029.97		136,029.97
STADIUM DR AT W MI-RR CROSSING	120,632.84				120,128.20		120,128.20
PORTAGE (SHERIDAN TO STOCKBRIDGE)	256,232.49				107,000.18		107,000.18
VINE (WESTNEDGE TO CROSSTOWN)	203,475.91				107,015.91		107,015.91
VINE (DAVIS TO OAK)	434,313.85				220,422.84		220,422.84
ROSE (ACADEMY TO WATER)	266,234.57				67,050.72		67,050.72
CORK (PORTAGE TO SPRINKLE)	175,000.00				38,662.25		38,662.25
HARRISON STREET EXTENSION	42,086.99				41,948.50		41,948.50
HARRISON TRAFFIC SIGNAL	25,171.00				16,470.24		16,470.24
HOWARD ST PEDESTRIAN IMPROVEMENTS	235,243.10				185,154.99		185,154.99
W MI/HOWARD RESURFACING & SIGNAL WORK	564,586.90				432,115.62		432,115.62
M43-US 131 TO PITCHER	14,500.00				11,528.03		11,528.03
PITCHER STREET RECONSTRUCTION	402,356.80				302,623.01		302,623.01
HOWARD ST REPAVING (STADIUM TO OAKLAND)	217,653.22				148,975.13		148,975.13
OAKLAND - LOVELL TO HOWARD	580,000.00		6,088.86				6,088.86
DREDGING - CROSSTOWN PONDS	850,000.00		850,000.00				850,000.00
PORTAGE-STOCKBRIDGE TO PORT/PITCHER CONN	130,000.00	105,725.37					105,725.37
HARRISON ST EXTENSION - PHASE II	171,500.00				135,237.07		135,237.07
NORTH ST SIGNAL MODIFICATION	84,000.00				84,000.00		84,000.00
MAJOR STREETS CONST. BUDGET HOLDING	150,763.09				150,763.09		150,763.09
Total Major Streets Projects	5,530,916.70	185,327.62	856,088.86	-	2,419,687.79	-	3,461,104.27
							63%
Total Streets	8,342,992.10	775,684.89	1,402,089.30	-	2,488,875.79	-	4,666,649.98
							56%

City of Kalamazoo
2018 Capital Project Carryforward

Water Capital Projects

2018 Adjusted Budget	2018 Carryforward Funding					Total Carryforward
	Outside Funding	Foundation for Excellence	Other City Funding	Reserves	Contribution in Aid	
BS #40-TEXAS TWSP BOOSTER/BLEEDER STA	798,943.95			107,781.05		107,781.05
KL LANDFILL WATER SYSTEM EXPANSION	598,404.79				495,500.00	495,500.00
STA #22-ELEVATED STORAGE/BOOSTER	2,968,000.00			440,532.85		440,532.85
WELL #4-6 REPLACEMENT	65,200.00			5,200.00		5,200.00
WELL #8-5 REPLACEMENT	75,200.00			75,200.00		75,200.00
HENSON & SHAFFER AIR RELEASE VALVES	11,792.46			11,792.46		11,792.46
PUMP STATION #14 ROOF REPLACEMENT	28,378.50			3,678.50		3,678.50
SAMPLE SITE UPGRADES	31,399.87			30,774.37		30,774.37
STA #11 UPGRADES	90,000.00			64,612.16		64,612.16
STA #25 UPGRADES	170,000.00			157,774.93		157,774.93
PHOSPHATE UPGRADE	100,000.00			92,027.55		92,027.55
STATION ROADWAY IMPROVEMENTS	50,000.00			50,000.00		50,000.00
STA #4 AUTOMATIC TRANSFER SWITCH	50,000.00			50,000.00		50,000.00
SUPER HIGH PRESSURE TANK DISTRICT	430,751.48			297,407.73		297,407.73
STA #39 GENERATOR	100,000.00			100,000.00		100,000.00
STA #24 UPGRADES	175,000.00			116,717.74		116,717.74
STA #5 BOOSTER PUMP HOUSE REPLACEMENT	77,000.00			51,023.75		51,023.75
CENTRAL STATION PUMPING UPGRADES	50,000.00			50,000.00		50,000.00
STA #25 ROOF REPLACEMENT	30,000.00			4,325.00		4,325.00
STATION #6 PUMP AND MOTOR	25,000.00			4,279.00		4,279.00
STATION #14 RECHARGE BASIN EROSION CONTR	150,000.00			150,000.00		150,000.00
VINE STREET-REPLACE 2 HYDRANTS	3,744.51			3,744.51		3,744.51
1381 S DRAKE RD - NEW HYDRANT	15,000.00			15,000.00		15,000.00
VALVE IMPROVEMENT PROGRAM	14,546.15			14,233.34		14,233.34
SPRINKLE ROAD WATER MAIN REPLACEMENT	124,103.24			121,561.03		121,561.03
11TH ST FROM MISTY CREEK TO N AVE	4,193.15			4,193.15		4,193.15
11TH STREET-2,000' NORTH OF N AVENUE	0.45			0.45		0.45
TEXAS TWSP LOOPING-OFF 10TH ST AND Q AVE	8,329.70			8,329.70		8,329.70
600 EAST MICHIGAN AVENUE	25,781.04			25,781.04		25,781.04
ROSE STREET MAIN REPLACEMENT	310,939.41			11,729.39		11,729.39
VINE ST AND LOCUST CT WATER IMPROVEMENTS	197,750.00			5,694.70		5,694.70
4501 ARBORETUM PKWY - PKWY FLATS	16,939.05				8,160.95	8,160.95
N 9TH ST - AUTUMN GROVE	4,734.00				951.96	951.96
CORK STREET - PORTAGE TO SPRINKLE	160,000.00			56,300.00		56,300.00
DUTTON PLACE WATER MAIN	123,000.00			1,267.68		1,267.68
KALAMAZOO COUNTY ANIMAL CONTROL	3,440.00				2,741.29	2,741.29
BETSY ANN PLACE WATER MAIN REPLACEMENT	175,000.00			11,165.88		11,165.88
30TH STREET WATER MAIN CONSTRUCTION	75,000.00			21,707.50		21,707.50
PORTAGE ST WATER MAIN (STOCKBRIDGE TO WA	47,000.00			35,371.51		35,371.51
CITY OF KALAMAZOO - SERVICE EXTENSIONS	7,983.25			7,776.50		7,776.50
LEAD SRVC REPLACEMENT - EPA REGULATION	1,108,787.73			190,945.84		190,945.84
1700, 1702, 1750 AND 1752 DRAKE RD	7,134.68			6,367.89		6,367.89
CITY OF KZOO LEAD SERVICES REPLACEMENT	1,241,957.98	203,842.33				203,842.33
2015 SCHIPPERS LN	2,397.00				2,397.00	2,397.00
155 W. MICHIGAN	9,144.00				4,174.33	4,174.33
WESTGATE - HOLIDAY INN	1,694.00				1,513.51	1,513.51
NEWELL/RUBBERMAID 3300 RESEARCH WAY	2,552.00				2,354.12	2,354.12
6598 FINANCIAL PARKWAY	2,011.00				1,990.49	1,990.49
10538 E MICHIGAN 89/KOOPER'S MARINE	105,000.00			95,858.75		95,858.75
5202 MARKET ST - NASH GREENHOUSE	1,053.00			684.03		684.03
618 E CROSSTOWN PKWY/GORDON WATER	2,014.00				2,014.00	2,014.00
3926 S 9TH ST/LANGELAND WESTSIDE CREMATO	684.00			684.00		684.00
SMART METER PILOT PROGRAM	294,323.22			171,133.62		171,133.62
COMPUTER REPLACEMENT	33,513.26			8,342.90		8,342.90
ASSET MGMT-MOBILE WORK ORDER	20,810.52			14,160.52		14,160.52
WATER SYSTEM SCADA REPLACEMENT-2014	290,028.20			28,088.56		28,088.56
SCADA HARDWARE AND SOFTWARE	259,964.25			91,066.57		91,066.57
SECURITY UPGRADES	50,000.00			31,325.31		31,325.31
VACTOR SEWER TRUCK	403,227.87			403,227.87		403,227.87
10 YARD DUMP TRUCK - WATER	191,823.48			191,823.48		191,823.48
10 YARD DUMP TRUCK - GATES/HYDRANT	191,823.48			191,823.48		191,823.48
BUDGET HOLDING-ACCOUNTING USE ONLY	40,041.17			40,041.17		40,041.17
3021, 3025 HEATERDOWNS	1,761.00			1,761.00		1,761.00

City of Kalamazoo
2018 Capital Project Carryforward

	2018 Adjusted Budget	2018 Carryforward Funding					
		Outside Funding	Foundation for Excellence	Other City Funding	Reserves	Contribution in Aid	Total Carryforward
CENTRAL PS-REPLACE 4 SAND FILER VALVES	591.90				572.96		572.96
EMBERLY ACRES 2 - GENDORA	12,240.00				7,148.50		7,148.50
3525 & 3537 N CIRCLE DR	1,714.00				894.26		894.26
Total Water Projects	11,668,846.74	-	203,842.33	-	3,682,934.18	521,797.65	4,408,574.16
							38%
Wastewater Capital Projects							
COMPUTER REPLACEMENT	35,105.76				9,638.42		9,638.42
ASSET MGMT-MOBILE WORK ORDER	91,360.00				80,897.34		80,897.34
WW SCADA SYSTEM UPGRADE	130,620.01				16,135.07		16,135.07
RIVERVIEW DRIVE MAINTENANCE ACCESS	27,795.47				25,738.73		25,738.73
ACCESS CONTROL AND SECURITY UPGRADES	12,033.02				8,392.02		8,392.02
LIFT STATIONS RADIOS	49,840.89				18,110.80		18,110.80
WRP ROAD RESURFACING	263,311.32				115,993.14		115,993.14
SW & PORTAGE INTERCEPTOR ACCESS RD	7,200.00				7,200.00		7,200.00
TERTIARY MCC UPGRADE-SECONDARY BLDG #11	109,963.78				109,963.78		109,963.78
SOLIDS HANDLING PROCESS-UPGRADE	1,070,000.00				950,000.00		950,000.00
FINE SCREENS PROCESS-UPGRADE	569,000.00				550,000.00		550,000.00
LABORATORY RENOVATION	327,350.00				303,250.00		303,250.00
TERTIARY PROCESS UPGRADE	250,000.00				250,000.00		250,000.00
LOAD CENTER 5 GENERATOR	400,000.00				398,658.82		398,658.82
BAR SCREEN 1	250,000.00				250,000.00		250,000.00
RAW PUMP REPLACEMENT	98,800.00				65,760.00		65,760.00
TERTIARY MUDWELL PUMP REPLACEMENT	60,000.00				1,100.00		1,100.00
WASTEWATER COLLECTION - ASSET MGMT	1,358,937.00	1,067,491.03					1,067,491.03
WOODS LAKE GENERATOR	35,750.00				35,750.00		35,750.00
WHITES LAKE GENERATOR	35,750.00				35,750.00		35,750.00
ALTERNATE FORCE MAIN & GRIT SYSTEM	150,000.00				150,000.00		150,000.00
2018 WRP EQUIPMENT REPLACEMENTS	235,000.00				80,434.76		80,434.76
2018 ELECTRICAL, INSTRUMENTATION & CONTR	77,402.70				36,572.70		36,572.70
30" FLOW METER FOR CLARIFIER #8	16,011.19				1,206.32		1,206.32
CLARIFIER DRIVES & SWEEPS (5-8)	325,495.00				245,995.00		245,995.00
SCREW PUMP REPAIR - NUMBER 3	165,000.00				165,000.00		165,000.00
AGGREGATE STORAGE BIN	277,988.00				266,396.00		266,396.00
BUILDING 16 ELECTRICAL SWITCH GEAR	87,932.00				87,932.00		87,932.00
POWER STATION SWITCHGEAR	100,000.00				100,000.00		100,000.00
LOCUST PLACE SANITARY SEWER	207,213.50				139,343.00		139,343.00
ROSE STREET SANITARY SEWER	897,933.33				188,787.94		188,787.94
DUTTON PL SANITARY REPLACEMENT	210,800.00				275.89		275.89
2018 CIPP SEWER LINERS, MH & LATERALS	525,000.00				57.00		57.00
SEWER CONNECTION CONTINGENCY	30,000.00					30,000.00	30,000.00
STANDARD CONNECTION WITHOUT LEAD	2,900.00				2,700.00		2,700.00
30" FLOW METER - CLARIFIER #7	3,398.00				3,398.00		3,398.00
Contingency	186,387.40				186,387.40		186,387.40
Total Wastewater Projects	8,681,278.37	1,067,491.03	-	-	4,886,824.13	30,000.00	5,984,315.16
							69%
TOTAL ALL PROJECTS	38,054,424.26	3,009,601.53	1,772,417.69	-	13,285,427.63	551,797.65	18,619,244.50
							49%

Program	2018 Adj Budget	CarryForward	Release
Operations			
FFE Operations	195,749	38,711	-
Operations Total	195,749	38,711	-
Youth Dev & Employment			
Youth Dev Coordinator	65,043	-	-
Super Rec	100,293	-	-
Youth Employment-KRESA	797,998	4,337	-
All Things Possible	108,876	-	-
Youth Dev & Employment Total	1,072,210	4,337	-
Shared Prosperity			
Shared Prosperity Coord	89,505	-	3,351
Shared Prosperity Total	89,505	-	3,351
Complete Neighborhoods			
Tree Trimming/LED lights	507,170	249,617	-
Major Streets	1,975,759	856,089	389,414
Local Streets	2,272,080	546,000	375,704
Parks Improvements	1,466,528	146,665	-
Neighborhood Activator & Events	182,713	50,863	-
Complete Neighborhoods Total	6,404,250	1,849,234	765,118
Inviting Public Places			
DKI Inviting Public Places	453,000	366,722	0
Rose St -bump outs	47,000	-	-
Inviting Public Places Total	500,000	366,722	0
Economic Vitality			
Economic Development Grants & Loans	1,500,000	1,181,298	-
LISC-Economic Development	2,000,000	-	-
LISC-Affordable Housing	1,500,000	-	-
Economic Vitality Total	5,000,000	1,181,298	-
Capital Improvements			
Lead Service Removal	777,719	-	-
Capital Improvements Total	777,719	-	-
Re-Allocated Funds			
Administration Expenses	-	204,500	(204,500)
All Things Possible	-	59,000	(59,000)
Super Rec	-	49,000	(49,000)
Contingency	-	100,000	(100,000)
Total	14,039,433	3,852,802	355,969

Grants & Donations Accepted by City Managers Office Under \$25,000

Donor/Grantor	Grant Name	Amount
Community Reinvestment Act Assoc.	2018 Show Me the Money Day Events	2,500.00
State of Michigan/US Dept of Justice	2015 Sexual Assault Kit Initiative Grant (SAKI)	20,000.00
Keith Harp	Kalamazoo K9 Team	100.00
Margaret Weiss and Donald and Paula Pittelkow	Kalamazoo K9 Team	50.00
Irving S Gilmore Foundation	ISGF Bronson Park Improvements	22,500.00
Rose Park Veteran's Memorial	Veteran's Memorial GIS	3,300.00
Wausau Homes	KDPS Community Engagement	500.00
John E. Fetzer Institutue	2018 SuperRec Summer Youth Program	4,500.00
KCF- Edward and Virginia Van Dalson Youth Endowment	2018 SuperRec Summer Youth Program	20,000.00
Kalamazoo Police Supervisor's Association (KPSA)	Community Engagement ADA Street	250.00
Rose Park Veteran's Memorial	Electrical Improvements	1,550.00
Michigan Department of Civil Rights (MDCR)	GARE - Government Alliance on Race & Equity	20,000.00
The Rose Run	KDPS K9 Team	4,000.00
Winchell	Lunch-N-Learn	606.88
King Westwood Elementary	Lunch-N-Learn	1,316.00
Northeastern Elementary	Lunch-N-Learn	1,524.00
Spring Valley Elemenatary	Lunch-N-Learn	1,071.00
Michigan State Historic Preservation (SHPO)	Certified Local Governments - Historic Training Workshop	11,150.00
Target	Shop with Hero	4,000.00
Winchell	Lunch-N-Learn	912.25
King Westwood Elementary	Lunch-N-Learn	581.50
Northeastern Elementary	Lunch-N-Learn	924.00
Rose St Veterans Memorial	Brick Locating and Signs	8,411.25
Match-E-Be-Nash-She-V-Grant	Reservation Street Signage	12,500.00
HP and Genevieve Connable Fund	Fundraising	7,500.00
Kalamazoo Youth Development Network (KYD)	Youth Program Quality	4,000.00
Multiple-Suzanne Moorian Memorial	Kalamazoo K9 Team	410.00
Honor Credit Union	Bite Suits	1,250.00
Target	Bridging Opportunitess Back to School Prgram	4,000.00
Various-Fundraising	KDPS Community Engagement	15,000.00
Team Dog Style LLC	KDPS K9 Team	500.00
Subtotal 2018		174,906.88
Irving S Gilmore Foundation	Youth Strategy	15,000.00
Suzanne Moorian Memorial	KDPS K9 Team	1,750.00
Lake Michigan Credit Union	Cookie Oven for Morale	304.59
Fifth Third Bank	MLK Day of Service	2,000.00
Bohannon	KDPS K9 Team	525.75
LISC	Emergency Warming Shelter	5,000.00
US Department of Justice	2018 Bullet Proof Vest Grant	6,385.63
Irving S Gilmore Foundation	Emergency Warming Shelter	6,700.00
Kalamazoo Community Foundation	Emergency Warming Shelter	6,700.00
Tatoos by Raven	KDPS K9 Team	1,000.00
Kalamazoo Community Foundation	2019 SuperRec Youth Development Program	15,000.00
Kalamazoo Community Foundation	2019 SuperRec Youth Development Program	5,000.00
Team Dog Style LLC	KDPS K9 Team	500.00
Subtotal 2019		65,865.97
TOTAL		240,772.85



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Stephen A. Skalski, PE, Assistant City Engineer – Water Resources

DATE: 7/9/2019

SUBJECT: Michigan Department of Environment, Great Lakes, and Energy Drinking Water Contaminant Remediation Grant Acceptance

RECOMMENDATION

It is recommended that the City Commission accept the Michigan Department of Environment, Great Lakes and Energy (MDEGLE) Drinking Water Contaminant Remediation Grant in the amount of \$1,600,000, amend the budget by the same amount, and authorize the City Manager to sign all related documents.

BACKGROUND

The City of Kalamazoo has been a leader across the State of Michigan with their response to the emerging contaminants, such as PFAS. In April of 2019, Public Services applied for The Drinking Water Contamination Remediation Grant. This grant is to assist the City of Kalamazoo to expand the water system and to connect customers to the system in Cooper and Richland Townships, where contaminated wells have been located.

On June 21st, Public Services was notified that they had been awarded the Drinking Water Contaminant Remediation Grant of \$1,600,000, with the requirement of a local match of \$400,000.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

Funds have been budgeted in the Public Services 2019 Water CIP budget for PFAS remediation projects in excess of the \$400,000 local match. The \$1,600,000 grant funding and associated budget amendment would assist with providing additional funding for the projects.

ALTERNATIVES

The City could choose not to accept the grant funding, however this is not recommended as the City is already

planning on spending in excess of the required \$400,000 local match on PFAS remediation.

ATTACHMENTS:

	Type	Description
▣	Agreement	Agreement



DRINKING WATER CONTAMINANT REMEDIATION GRANT AGREEMENT
BETWEEN THE
MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
AND **CITY OF KALAMAZOO**

This Grant Agreement ("Agreement") is made between the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Finance Division ("State"), and City of Kalamazoo ("Grantee").

The purpose of this Agreement is to provide funding in exchange for work to be performed for the project named below. Legislative appropriation of Funds for grant assistance is set forth **Public Act 618 of 2018**. This Agreement is subject to the terms and conditions specified herein.

Project Name: PFAS Response Project

Project No. DW001

Amount of grant: \$1,600,000.00

State Funding: 100%

Amount of match: \$200,000.00

Project Total: \$2,488,250.00

Start Date: 5/1/2019

End Date: 5/1/2020

GRANTEE CONTACT:

James Baker

Name/Title

City of Kalamazoo

Organization

1415 North Harrison

Address

Kalamazoo, MI 49007-2565

Address

269-337-8768

Telephone number

Fax number

bakerj@kalamazoocity.org

E-mail address

Federal ID number – (Required for Federal Funding)

838567865

Grantee DUNS number - (Required for Federal Funding)

STATE'S CONTACT:

Kelly Green

Name/Title

Infrastructure Coordinator

Division/Bureau/Office

525 W. Allegan St.

Address

Lansing, MI 48933

Address

517-284-5409

Telephone number

Fax number

GreenK1@Michigan.gov

E-mail address

The individuals signing below certify by their signatures that they are authorized to sign this Agreement on behalf of their agencies and that the parties will fulfill the terms of this Agreement, including any attached appendices, as set forth herein.

FOR THE GRANTEE:

Signature

Date

Name/Title

FOR THE STATE:

Signature

Date

Name/Title

I. PROJECT SCOPE

This Agreement and its appendices constitute the entire Agreement between the State and the Grantee and may be modified only by written agreement between the State and the Grantee.

(A) The scope of this project is limited to the activities specified in Appendix A and such activities as are authorized by the State under this Agreement. Any change in project scope requires prior written approval in accordance with Section III, Changes, in this Agreement.

(B) By acceptance of this Agreement, the Grantee commits to complete the project identified in Appendix A within the time period allowed for in this Agreement and in accordance with the terms and conditions of this Agreement.

II. AGREEMENT PERIOD

Upon signature by the State, the Agreement shall be effective from the Start Date until the End Date on page 1. The State shall have no responsibility to provide funding to the Grantee for project work performed except between the Start Date and the End Date specified on page 1. Expenditures made by the Grantee prior to the Start Date or after the End Date of this Agreement are not eligible for payment under this Agreement.

III. CHANGES

Any changes to this Agreement, other than budget line item revisions less than 25 percent of the budget line item, shall be requested by the Grantee or the State in writing and implemented only upon approval in writing by the State. The State reserves the right to deny requests for changes to the Agreement or to the appendices. No changes can be implemented without approval by the State.

IV. GRANTEE DELIVERABLES AND REPORTING REQUIREMENTS

The Grantee shall submit deliverables and follow reporting requirements specified in Appendix A of this Agreement.

(A) The Grantee must complete and submit financial and progress reports according to a form and format prescribed by the State and must include supporting documentation of eligible project expenses monthly. If the applicant chooses to submit reimbursement requests monthly, financial and progress reports must accompany those requests on a monthly schedule. These reports shall be due according to the following:

The forms provided by the State shall be submitted to the State's contact at the address on page 1. All required supporting documentation (invoices, etc.) for expenses must be included with the report.

(B) The Grantee shall provide a final project report in a format prescribed by the State

V. GRANTEE RESPONSIBILITIES

(A) The Grantee agrees to abide by all applicable local, state, and federal laws, rules, ordinances, and regulations in the performance of this grant.

(B) All local, state, and federal permits, if required, are the responsibility of the Grantee. Award of this grant is not a guarantee of permit approval by the State.

(C) The Grantee shall be solely responsible to pay all applicable taxes and fees, if any, that arise from the Grantee's receipt or execution of this grant.

(D) The Grantee is responsible for the professional quality, technical accuracy, timely completion, and coordination of all designs, drawings, specifications, reports, and other services submitted to the State under this Agreement. The Grantee shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in drawings, designs, specifications, reports, or other services.

(E) The State's approval of drawings, designs, specifications, reports, and incidental work or materials furnished hereunder shall not in any way relieve the Grantee of responsibility for the technical adequacy of the work. The State's review, approval, acceptance, or payment for any of the services shall not be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

(F) The Grantee acknowledges that it is a crime to knowingly and willingly file false information with the State for the purpose of obtaining this Agreement or any payment under the Agreement, and that any such filing may subject the Grantee, its agents, and/or employees to criminal and civil prosecution and/or termination of the grant.

VI. USE OF MATERIAL

Unless otherwise specified in this Agreement, the Grantee may release information or material developed under this Agreement, provided it is acknowledged that the State funded all or a portion of its development.

The State, and federal awarding agency, if applicable, retains a royalty-free, nonexclusive and irrevocable right to reproduce, publish, and use in whole or in part, and authorize others to do so, any copyrightable material or research data submitted under this grant whether or not the material is copyrighted by the Grantee or another person. The Grantee will only submit materials that the State can use in accordance with this paragraph.

VII. ASSIGNABILITY

The Grantee shall not assign this Agreement or assign or delegate any of its duties or obligations under this Agreement to any other party without the prior written consent of the State. The State does not assume responsibility regarding the contractual relationships between the Grantee and any subcontractor.

VIII. SUBCONTRACTS

The State reserves the right to deny the use of any consultant, contractor, associate, or other personnel to perform any portion of the project. The Grantee is solely responsible for all contractual activities performed under this Agreement. Further, the State will consider the Grantee to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the anticipated Grant. All subcontractors used by the Grantee in performing the project shall be subject to the provisions of this Agreement and shall be qualified to perform the duties required.

IX. NON-DISCRIMINATION

The Grantee shall comply with the Elliott Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 *et seq.*, the Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 *et seq.*, and all other federal, state, and local fair employment practices and equal opportunity laws and covenants that it shall not discriminate against any employee or applicant for employment, to be employed in the performance of this Agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of his or her race, religion, color, national origin, age, sex, height, weight,

marital status, or physical or mental disability that is unrelated to the individual's ability to perform the duties of a particular job or position. The Grantee agrees to include in every subcontract entered into for the performance of this Agreement this covenant not to discriminate in employment. A breach of this covenant is a material breach of this Agreement.

X. UNFAIR LABOR PRACTICES

The Grantee shall comply with the Employers Engaging in Unfair Labor Practices Act, 1980 PA 278, as amended, MCL 423.321 *et seq.*

XI. LIABILITY

(A) The Grantee, not the State, is responsible for all liabilities as a result of claims, judgments, or costs arising out of activities to be carried out by the Grantee under this Agreement, if the liability is caused by the Grantee, or any employee or agent of the Grantee acting within the scope of their employment or agency.

(B) Nothing in this Agreement should be construed as a waiver of any governmental immunity by the Grantee, the State, its agencies, or their employees as provided by statute or court decisions.

XII. CONFLICT OF INTEREST

No government employee, or member of the legislative, judicial, or executive branches, or member of the Grantee's Board of Directors, its employees, partner agencies, or their families shall benefit financially from any part of this Agreement.

XIII. ANTI-LOBBYING

If all or a portion of this Agreement is funded with federal funds, then in accordance with OMB Circular A-21, A-87, or A-122, as appropriate, the Grantee shall comply with the Anti-Lobbying Act, which prohibits the use of all project funds regardless of source, to engage in lobbying the state or federal government or in litigation against the State. Further, the Grantee shall require that the language of this assurance be included in the award documents of all subawards at all tiers.

If all or a portion of this Agreement is funded with state funds, then the Grantee shall not use any of the grant funds awarded in this Agreement for the purpose of lobbying as defined in the State of Michigan's lobbying statute, MCL 4.415(2). "'Lobbying' means communicating directly with an official of the executive branch of state government or an official in the legislative branch of state government for the purpose of influencing legislative or administrative action." The Grantee shall not use any of the grant funds awarded in this Agreement for the purpose of litigation against the State. Further, the Grantee shall require that language of this assurance be included in the award documents of all subawards at all tiers.

XIV. DEBARMENT AND SUSPENSION

By signing this Agreement, the Grantee certifies that it has checked the federal debarment/suspension list at www.SAM.gov to verify that its agents, and its subcontractors:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or the state.
- (2) Have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction, as defined in 45 CFR 1185; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery,

bribery, falsification or destruction of records, making false statements, or receiving stolen property.

- (3) Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in subsection (2).
- (4) Have not within a three-year period preceding this Agreement had one or more public transactions (federal, state, or local) terminated for cause or default.
- (5) Will comply with all applicable requirements of all other state or federal laws, executive orders, regulations, and policies governing this program.

XV. AUDIT AND ACCESS TO RECORDS

The State reserves the right to conduct a programmatic and financial audit of the project, and the State may withhold payment until the audit is satisfactorily completed. The Grantee will be required to maintain all pertinent records and evidence pertaining to this Agreement, including grant and any required matching funds, in accordance with generally accepted accounting principles and other procedures specified by the State. The State or any of its duly authorized representatives must have access, upon reasonable notice, to such books, records, documents, and other evidence for the purpose of inspection, audit, and copying. The Grantee will provide proper facilities for such access and inspection. All records must be maintained for a minimum of [five] years after the final payment has been issued to the Grantee by the State.

XVI. INSURANCE

(A) The Grantee must maintain insurance or self-insurance that will protect it from claims that may arise from the Grantee's actions under this Agreement.

(B) The Grantee must comply with applicable workers' compensation laws while engaging in activities authorized under this Agreement.

XVII. OTHER SOURCES OF FUNDING

The Grantee guarantees that any claims for reimbursement made to the State under this Agreement must not be financed by any source other than the State under the terms of this Agreement. If funding is received through any other source, the Grantee agrees to delete from Grantee's billings, or to immediately refund to the State, the total amount representing such duplication of funding.

XVIII. COMPENSATION

(A) A breakdown of costs allowed under this Agreement is identified in Appendix A. The State will pay the Grantee a total amount not to exceed the amount on page 1 of this Agreement, in accordance with Appendix A, and only for expenses incurred and paid. All other costs necessary to complete the project are the sole responsibility of the Grantee.

(B) Expenses incurred by the Grantee prior to the Start Date or after the End Date of this Agreement are not allowed under the Agreement.

(C) The State will approve payment requests after approval of reports and related documentation as required under this Agreement.

(D) The State reserves the right to request additional information necessary to substantiate payment requests.

(E) Payments under this Agreement may be processed by Electronic Funds Transfer (EFT). The Grantee may register to receive payments by EFT at the SIGMA Vendor Self Service web site (<https://sigma.michigan.gov/webapp/PRDVSS2X1/AltSelfService>).

(G) The Grantee is committed to the match amount on page 1 of the Agreement, in accordance with Appendix A. The Grantee shall expend all local match committed to the project by the End Date on page 1 of the Agreement.

XIX. CLOSEOUT

(A) A determination of project completion, which may include a site inspection and an audit, shall be made by the State after the Grantee has met any match obligations, satisfactorily completed the activities, and provided products and deliverables described in Appendix A.

(B) Upon issuance of final payment from the State, the Grantee releases the State of all claims against the State arising under this Agreement. Unless otherwise provided in this Agreement or by State law, final payment under this Agreement shall not constitute a waiver of the State's claims against the Grantee.

(C) The Grantee shall immediately refund to the State any payments in excess of the costs allowed by this Agreement.

XX. CANCELLATION

This Agreement may be canceled by the State, upon 30 days written notice, due to Executive Order, budgetary reduction, other lack of funding, upon request by the Grantee, or upon mutual agreement by the State and Grantee. The State may honor requests for just and equitable compensation to the Grantee for all satisfactory and eligible work completed under this Agreement up until 30 days after written notice, upon which time all outstanding reports and documents are due to the State and the State will no longer be liable to pay the grantee for any further charges to the grant.

XXI. TERMINATION

(A) This Agreement may be terminated by the State as follows.

(1) Upon 30 days written notice to the Grantee:

- a. If the Grantee fails to comply with the terms and conditions of the Agreement, or with the requirements of the authorizing legislation cited on page 1, or the rules promulgated thereunder, or other applicable law or rules.
- b. If the Grantee knowingly and willingly presents false information to the State for the purpose of obtaining this Agreement or any payment under this Agreement.
- c. If the State finds that the Grantee, or any of the Grantee's agents or representatives, offered or gave gratuities, favors, or gifts of monetary value to any official, employee, or agent of the State in an attempt to secure a subcontract or favorable treatment in awarding, amending, or making any determinations related to the performance of this Agreement.
- d. If the Grantee or any subcontractor, manufacturer, or supplier of the Grantee appears in the register of persons engaging in unfair labor practices that is compiled by the Michigan Department of Licensing and Regulatory Affairs or its successor.
- e. During the 30-day written notice period, the State shall withhold payment for any findings under subparagraphs a through d, above and the Grantee will immediately cease charging to the grant and stop earning match for the project (if applicable).

(2) Immediately and without further liability to the State if the Grantee, or any agent of the Grantee, or any agent of any subcontract is:

- a. Convicted of a criminal offense incident to the application for or performance of a State, public, or private contract or subcontract;
- b. Convicted of a criminal offense, including but not limited to any of the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or attempting to influence a public employee to breach the ethical conduct standards for State of Michigan employees;
- c. Convicted under State or federal antitrust statutes; or
- d. Convicted of any other criminal offense that, in the sole discretion of the State, reflects on the Grantee's business integrity.
- e. Added to the federal or state Suspension and Debarment list.

(B) If a grant is terminated, the State reserves the right to require the Grantee to repay all or a portion of funds received under this Agreement.

XXII. IRAN SANCTIONS ACT

By signing this Agreement, the Grantee is certifying that it is not an Iran linked business, and that its contractors are not Iran linked businesses, as defined in MCL 129.312.

XXII. DISCLOSURE OF INFORMATION

All reports and other printed or electronic material prepared by or for the Grantee under the Agreement will not be distributed without the prior written consent of the State except for items disclosed in response to a Freedom of Information Act request, Court Order or subpoena.

Appendix A

Project Overview:

This project includes public water service connection to 80 residences in Cooper Township. This work involves the installation of new service connections, proper residential well abandonment, and meter placement and restoration. Additionally, this project will provide public water service connection to 36 residents in Richland Township. Work in this area includes new service connections, proper residential well abandonment, meter placement, approximately 120 linear feet of 12" watermain, and associated restoration. The City of Kalamazoo is the responsible entity for providing water service to the new customers.

As mentioned in section IV above, GRANTEE DELIVERABLES AND REPORTING REQUIREMENTS, reports shall be due according to the following schedule with monthly reimbursement requests:

Reporting Period	Due Date
May 1 – July 31	Aug 31
Aug 1 – Aug 31	Sept 30
Sept 1 – Sept 30	Before October 15*
Oct 1 – Oct 31	Nov 30
Nov 1 – Nov 30	Dec 31

*Due to the State's year-end closing procedures, there will be an accelerated due date for the report covering September 1 - September 30. If the Grantee is unable to submit a report in mid-October for the month ending September 30, an estimate of expenditures through September 30 must be submitted to allow the State to complete its accounting for that fiscal year.

EGLE approved estimated project costs include:

Cooper Township New Connections and Well Abandonment				
Item	Unit	Unit Price	Quantity	Total
New service	EA	\$5,000	80	\$400,000
Well Abandonment	EA	\$500	80	\$40,000
Meter set and inside connection	EA	\$1,500	80	\$120,000
Restoration	LS	\$40,000	1	\$40,000
Engineering + Oversight				\$150,000
Total				\$750,000

Richland Water Extension, New Services, Well Abandonment				
Item	Unit	Unit Price	Quantity	Total
New service to structure	EA	\$5,000	36	\$180,000
Well Abandonment	EA	\$500	36	\$18,000
Meter set and inside connection	EA	\$1,500	36	\$54,000
New service to ROW	EA	\$3,000	15	\$45,000
12" Water Main	LF	\$120	8780	\$1,053,600
Restoration	LS	\$40,000	1	\$40,000
Engineering + Oversight				\$347,650
Total				\$1,738,250

The total estimated project costs exceed the maximum amount of grant assistance available (\$1,600,000). Should final project costs come in under the estimated project amount (2,488,250), grantee is responsible for a 20% local match for total project costs up to \$2,000,000.



MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

WATER INFRASTRUCTURE FINANCING

DRINKING WATER INFRASTRUCTURE CONTAMINANT REMEDIATION

FY19 FINANCIAL STATUS REPORT

Applicant Name:

Project Name:

Tracking Number:

	PROJECT COST	GRANT AMOUNT	LOCAL MATCH AMOUNT	TOTAL
CONTRACTUAL SERVICES				
Construction	\$ 1,990,600	\$ 1,280,000	\$ 320,000	\$ 1,600,000
Eng+Cont	\$ 497,650	\$ 320,000	\$ 80,000	\$ 400,000
	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -
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CONTRACTUAL SERVICES Subtotal	\$ 2,488,250	\$ 1,600,000	\$ 400,000	\$ 2,000,000
GRANT AND MATCH BUDGET				
TOTAL		\$ 1,600,000	\$ 400,000	\$ 2,000,000
Project Percentage Split		80.00%	20.00%	
Additional Note:				



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: Scott A. Borling, City Clerk

DATE: 7/30/2019

SUBJECT: Kalamazoo Growlers Fireworks Request

RECOMMENDATION

It is recommended that the City Commission approve a request from the Kalamazoo Growlers to publicly display fireworks at Homer Stryker Field on August 9, 2019 in lieu of a previously approved display that was cancelled due to rain.

BACKGROUND

Pursuant to State law, the Kalamazoo Growlers, through its pyrotechnic operator have submitted an application for a permit to publicly display fireworks at Homer Stryker Field, located at 251 Mills Street. The Department of Public Safety has reviewed the request, and Fire Marshal Jim Williams has endorsed the application. Also, the required insurance certificate has been provided naming the City of Kalamazoo as additionally insured by the pyrotechnic operator.

In 2016 the Growlers changed their fireworks displays to mainly 1.4 consumer fire works - comets and mines which have a nice light show without the height and firepower of a true 1.3 commercial shell. In fact, these shows meet the requirements to be held as inside displays and are safer and less noisy than traditional displays using the larger shells. Fire Marshal Williams has indicated he will not approve any fireworks for this venue larger than what was used in 2016.

COMMUNITY RESOURCES CONSULTED

Neither the City Clerk's Office nor the Fire Marshal has received complaints or inquiries regarding the 2018 or 2019 fireworks displays at Homer Stryker Field.

FISCAL IMPACT

There is no budgetary impact.

ALTERNATIVES

The City Commission could deny the request. However, staff review indicates the request meets all city approval requirements.



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: Christina Anderson

REVIEWED BY: Rebekah Kik, Director Community Planning and Economic Development

PREPARED BY: Christina Anderson, City Planner

DATE: 7/24/2019

SUBJECT: Approval of the Northside Cultural Business District Authority Bylaws.

RECOMMENDATION

It is recommended that the City Commission approve the Northside Cultural Business District Authority Bylaws.

BACKGROUND

The Northside Cultural Business District Authority (NCBDA) was created in the fall of 2018, shortly after the approval of the Northside Neighborhood Plan. In spring 2019, the NCBDA board was approved and since then has been working to establish themselves as a board to move their neighborhood forward.

The first step was the creation of the Board's bylaws. On July 18th, the Board approved their bylaws and now submit them to the City Commission for their approval.

POLICY CONSIDERATIONS

The City Commission is charged with the final approval of the bylaws of the Commissions it creates. The NCBDA spent several meetings reviewing the language of the bylaws, crafting them to ensure that this organization meets the mission and goals established by the Neighborhood Plan and the Northside Cultural Business District.

COMMUNITY RESOURCES CONSULTED

The members of the NCBDA held three, advertised and open meetings to discuss the language of the bylaws.

FISCAL IMPACT

The NCBDA cannot operate and move forward with plans to create a tax increment finance district without approved bylaws.

ALTERNATIVES

The Commission could opt to not approve the bylaws and request that the NCBDA Board revise the language. Staff does not recommend this action. The Board thoughtfully crafted and discussed their bylaws and staff recommends that the Commission approve them.

ATTACHMENTS:

	Type	Description
▣	Aerial Photo	NCBDA Bylaws

NORTHSIDE CULTURAL BUSINESS DISTRICT AUTHORITY BYLAWS

ARTICLE I - PURPOSE

- A. These bylaws are adopted by the Northside Cultural Business District Authority ("Authority") to act as a corridor improvement authority in accordance with Public Act 280 of 2005 and Public Act 57 of 2018, their subparts and any amendments to those statutes as may be enacted; they are designed to facilitate the performance of the Authority's duties in an efficient manner.
- B. These bylaws are further adopted to fulfill the strategic goals and intent of the Authority in accordance with its enabling legislation including:
 - 1. To increase the number of resident owned businesses, especially those by African Americans, minorities, and low-income residents;
 - 2. To preserve existing housing and build new housing to accommodate all resident needs;
 - 3. To make enjoyment of the arts, culture, and open space part of the Northside Neighborhood way of life; and
 - 4. To strengthen support systems for workforce development, safety, and youth programming.

ARTICLE II - POWERS

- A. **Powers.** As described by statute, the Authority Board shall have the power or authority to:
 - 1. Prepare an analysis of economic changes taking place in the development area.
 - 2. Study and analyze the impact of metropolitan growth upon the development area.
 - 3. Plan and propose the construction, the renovation, repair, remodeling, rehabilitation, restoration, preservation or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the Board, aids in the economic growth of the development area.
 - 4. Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier-free design requirements of the state construction code.
 - 5. Develop long-range plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the development area and to promote the economic growth of the development area, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
 - 6. Implement any plan of development in the development area necessary to achieve the purposes of Act 280 of 2005 and successor acts, in accordance with the powers of the Authority as granted by state law.
 - 7. Make and enter into contracts necessary or incidental to the exercise of its powers and performance of its duties.
 - 8. On terms and conditions and in a manner and for consideration the Authority considers proper or for no consideration, acquire by purchase or otherwise, or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interest in the property, that the Authority determines is reasonably necessary to achieve the purposes set forth by Act 280 of 2005 or successor acts, and to grant or acquire licenses, easements, and options with respect thereto.
 - 9. Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances thereto, within the development area for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.
 - 10. Fix, charge and collect fees, rents and charges for the use of any facility, building, or property under its control or any part of the facility, building or property, and pledge the fees, rents and charges for the payment of revenue bonds issued by the Authority.
 - 11. Lease, in whole or in part, any facility, building, or property under its control.
 - 12. Accept grants and donations of property, labor, or other things of value from a public or private source.

13. Acquire and construct public facilities.
 14. Conduct market research and public relations campaigns, develop, coordinate, and conduct retail and institutional promotions, and sponsor special events and related activities.
 15. Contract for broadband service and wireless technology service in a development area.
 16. Receive private property from the City of Kalamazoo, acquired pursuant to Public Act 149 of 1911, MCL 213.21 *et seq.* for the purpose of transfer to the Authority for use in an approved development, on terms and conditions deemed appropriate by the Authority, and the taking, transfer, and use shall be considered necessary for public purposes and for the benefit of the public.
 17. Take any other action as is allowed by law.
- B. **District Boundaries.** The Authority shall exercise its powers within the Northside Cultural Business District Authority development area in the City of Kalamazoo as designated in the resolution establishing the Authority, and as such resolution may from time to time be amended by the City Commission.
- C. **Relocation Assistance.** The Authority is deemed an instrumentality of a political subdivision for purposes of Public Act 227 of 1972, MCL 213.321 *et seq.*

ARTICLE III — BOARD MEMBERSHIP

A. Appointment of Members. The Board shall consist of ten (10) members, including the Mayor of the City of Kalamazoo or the Mayor's assigned designee and up to nine (9) other Appointed Members. As required by the Act, a majority of the Appointed Members shall have an ownership or business interest in property located in the District development area.

1. Appointment. Appointed Members shall be nominated by the Mayor, and subject to approval by the City Commission. Subsequent Board members shall be appointed in the same manner as the original appointments at the expiration of each Appointed Member's term of office. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.
2. Term of Office. Each Appointed Member shall serve for a term of four (4) years except that of the members first appointed, two shall be appointed for one year, two for two years, three for three years, and two for four years. An appointment to fill a vacancy shall be made by the Mayor subject to approval of the City Commission and shall be for the unexpired term only.
3. Expiration of Term, Continuation in Office, Reappointment, and Filling Vacancies. Members whose terms of office have expired shall continue to hold office until a successor has been appointed. If a vacancy is created by the death, resignation or removal of a member, a successor shall be appointed by the Mayor with the approval of the City Commission within thirty (30) days of the vacancy to hold office for the remainder of the term so vacated.
4. Qualifications. At least five of the appointed members shall be persons having an ownership or business interest in property located in the development area. At least one of the members shall be a resident of the development area or an area within ½ mile of any part of the development area, with at least 75% of the appointed members residents of the Northside Neighborhood and 25% of the appointed members will be property owners within the District.
5. Compensation. Members shall serve without compensation but shall be reimbursed for actual and necessary expenses.

B. Committees. The Chair or Board may establish and appoint committees of the Board and advisory committees, as deemed necessary. Membership on advisory committees may include members of the Board, provided a quorum is not present, as well as others who are more knowledgeable on the particular issue and/or better represent various interests.

C. Conflict of Interest. Each member of the Board shall avoid conflicts of interest:

1. Typical Conflict Situations. A member shall not participate in the formal discussion and/or vote, discuss the merits informally with any other member, or otherwise attempt to influence a decision on a matter which:
 - a. Directly involves property he or she owns or leases as tenant, or property his or her employer owns or leases as tenant.

- b. Involves a project or work on land adjacent to the property referred to in 1.a. above.
 - c. Involves a corporation, company, partnership, or any other entity in which he or she is an owner, officer, director, employee, or any other relationship where he or she may stand to have a financial gain or loss.
 - d. Involves potential financial benefit or loss to him or her, or involves his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, or members of his or her household, because of any decision or recommendation made by the Board.
 - e. Involves a project on which he or she has acted as, is currently acting as, or is a candidate to act as, a professional paid consultant.
2. Consultation with Board's Legal Counsel. Whenever a member is uncertain whether he or she has a possible conflict of interest, the member shall consult with and consider the advice of the Board's legal counsel.
 3. Disclosure of Possible Conflict. Each member shall disclose a conflict of interest as outlined above, or other potential conflict of interest, as part of the record of the official proceedings of the Board prior to the presentation of the applicable agenda item. In those instances where the conflict or possible conflict is not evident to the member until the presentation of the agenda item is in progress or has been completed, the member shall promptly advise the Chair, and all other pending business shall be suspended until the potential conflict is decided.
 4. Conflict of Interest Exists. Where a conflict of interest is determined to exist, the affected member shall cease to participate in discussion on the subject item and may be asked, at the Board's discretion, to leave the room until that agenda item is concluded. If a conflict of interest exists but the Board has already voted on the matter, the vote of the member who had a conflict of interest shall be void, and the Recording Secretary shall have the minutes reflect both the original vote and the amended vote, with a notation as to why the vote was amended. If the voided vote causes the result of the Board vote to change (either resulting in a tie vote, or changing from a tie vote), then the Board shall take another vote on the matter and engage in as much additional discussion as may be appropriate prior to such second vote.
 5. No Conflict of Interest Exists. Where no conflict of interest is determined to exist, the affected member shall participate in discussion and shall vote on the agenda item. It is not permissible for a member to abstain on any matter, except where there is a conflict of interest.
 6. Voting with Conflict of Interest. Knowingly voting on any matter in which a member has a conflict of interest constitutes malfeasance of office.

D. Removal from Board. The City Commission may remove a member of the Board from office, for any of the following reasons:

1. Misfeasance, Malfeasance, or Nonfeasance of Office. If any member performs a lawful act in a wrongful manner (malfeasance), performs a wrongful or unlawful act as a public official (misfeasance), or fails to act when a duty to act existed (nonfeasance). Any of these shall be grounds for the City Commission to remove a member, after the member is given notice and the opportunity to be heard. Prior to any action by the City Commission, any Board member may informally meet with the member to discuss the allegations of malfeasance, misfeasance, or nonfeasance in an effort to alleviate the problem. Members must not engage in discussion or deliberation or voting in violation of the Open Meetings Act. This prohibition includes the use of email or texts or other electronic means as the mode of communication. Violation of this rule shall be reported to the City Commission immediately.
2. Deficient Attendance. If any member of the Board is absent for any given reason from three (3) consecutive regularly scheduled meetings or four (5) absences in a calendar year, then that member shall be considered delinquent. Delinquency shall be grounds for the City Commission to remove a member, after the member is given notice and the opportunity to be heard. In a situation where a Board member knows in advance that he or she will be gone for an extended period of time which will cause them to miss more than three consecutive meetings in a calendar year, that Board member shall request a leave of absence from the Board which shall consider the request in advance of the leave of absence and shall decide whether to grant the request or recommend to the City Commission that the person be removed from the Board. This procedure for requested

leaves of absence must be initiated no less than one month prior to the start of the leave of absence and decision by the committees made prior to the start of the leave of absence.

ARTICLE IV - ORGANIZATION AND DUTIES

- A. Election of Officers.** The Board shall elect its officers for the upcoming calendar year at its last regular meeting of each calendar year. The Board shall elect from its membership a Chair, Vice Chair, and Secretary. The Chair, Vice Chair, and Secretary shall take office at the first meeting in January of the new calendar year. Officers shall hold office for a term of one (1) year or until successors are selected and assume office. A member may hold the same office for a maximum of three (3) consecutive terms except that if a member is elected to fill an unexpired term due to a vacancy, he or she may serve that unexpired term plus two (2) additional consecutive terms. Vacancies shall be filled by election at any regular or special meeting, and the person elected to fill a vacancy shall serve the balance of the unexpired term. All nominations and votes for officers shall be by simple majority voice or hand vote of members present in public session. Elected officers shall represent a cross section of the Northside Neighborhood Cultural Business District Authority.
- B. Chair's Duties.** The Chair retains his or her ability to participate and vote on matters before the Board, as governed by *Webster's New World Robert's Rules of Order Simplified and Applied*. The Chair shall:
1. Preside at all meetings with all powers under *Webster's New World Robert's Rules of Order Simplified and Applied*.
 2. Rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, gender, sexual orientation, physical condition, ethnic background, beliefs or similar topics; profanity; or other remarks which are not about the topic before the Board.
 3. Appoint committees, and act as ex-officio member of all committees of the Board.
 4. Call special meetings as needed.
 5. Appoint an Acting Secretary in the event the Secretary is absent from a Board meeting.
 6. Execute documents in the name of the Board
 7. Perform other appropriate duties as may be requested by the Board.
- C. Vice Chair's Duties.** The Vice Chair shall:
1. Act in the capacity of Chair in the Chair's absence.
 2. Perform other appropriate duties as may be requested by the Board.
- D. Secretary's Duties.** The Secretary shall:
1. Maintain the records of the Authority by providing copies or originals of same to the City Community Planning and Economic Development Department.
 2. Be responsible for the minutes of each meeting of the Board.
 3. Perform other appropriate duties as may be requested by the Board.
 4. The office of Secretary may be combined with the office of Treasurer.
- E. Treasurer.** The Treasurer or the Secretary-Treasurer, if the Board opts to combine the two offices, shall keep the financial records of the Authority and shall approve all vouchers for the expenditure of funds of the Authority subject to the prior approval of the Board or in accordance with Board policy. The Treasurer shall perform all duties only as authorized by the Board.
- F. Duties of All Members.** All members shall abide by the following standards.
1. Member Participation. Free and open debate should take place on issues before the Board. Such debate shall only take place at meetings of the Board which are held in accordance with the open Meetings Act. The Chair shall act as spokesperson for the Board and shall represent the position reflected by the outcome of the vote. Requests for reconsideration may take place only at an open meeting of the Board. Each member shall actively participate in at least one committee or advisory committee of their choice. The Board Chair shall assign members to committees if necessary.

2. Attendance. Members shall make every effort to attend all regular and special meetings of the Board. Except in emergency or unforeseen circumstances, members shall notify the Executive Director or Community Planning and Economic Development Department of an absence at least forty-eight (48) hours before the scheduled meeting. Members must be physically present for their presence to count toward a quorum.
3. Avoid *Ex Parte* Contact. Members shall avoid *ex parte* contact with an applicant or an applicant's agent regarding the merits of any pending agenda item before the Board whenever possible. If it is not possible to avoid *ex parte* contact, the member shall publicly report what was said and by whom when that agenda item is taken up by the Board, so that other members and interested persons are made aware of the same information.
3. Acceptance of Gifts.
 - a. Members shall not accept gifts from anyone connected with a pending or anticipated Board agenda item. As used here, a gift shall mean cash, any tangible item or service, regardless of value; and food valued over \$10.
 - b. The Board may accept grants or contributions for Board purposes (e.g. special planning study). Money so accepted shall be deposited with the Treasurer into a special fund for the purpose designated by the donor or Board.
- G. Executive Director.** The Board may employ and fix the compensation of an Executive Director subject to the approval of the City Commission. The Executive Director shall be an at-will employee serving at the pleasure of the Board. A member of the Board is not eligible to hold the position of Executive Director. The Executive Director shall be the chief executive officer of the Board. Subject to the approval of the Board, the Executive Director shall supervise and be responsible for preparation of plans and the performance of the functions of the Authority in the manner authorized by the Act. The Executive Director shall attend the meetings of the Board and shall provide to the Board and to the City Commission a regular report covering the activities and financial condition of the Authority. The Executive Director shall furnish the Board with information or reports governing the operation of the Authority as the Board requires. The director shall furnish a bond in an amount as prescribed by the Board.
- H. Legal Counsel.** The Legal Counsel shall advise the Board in the proper performance of its duties and shall provide appropriate advice on matters of procedure and law. The Legal Counsel shall represent the Authority in actions brought by or against the Authority.
- I. Annual Budget.** The Executive Director shall submit a budget to the Board for the operation of the Authority for each fiscal year before the beginning of the fiscal year. The Board's fiscal year shall be January 1 - December 31, to coincide with the City's fiscal year. The budget shall be prepared in the manner and contain the information required of City departments. After review by the Board, the budget shall be submitted to the City Commission. The City Commission must approve the budget before the Board may adopt the budget. Unless authorized by the City Commission or the Act, funds of the City shall not be included in the budget of the Authority.

ARTICLE V - MEETINGS

- A. Regular Meetings.** Regular meetings of the Board shall be scheduled at least quarterly, and may meet more often, at the dates, times, and locations set by the Board by adopting a calendar of meetings for upcoming year at its last regular meeting of the current calendar year. Unless the Board determines otherwise, meetings shall be held at 612 North Park Street.
- B. Special Meetings.** Special meetings may be called at the request of the Chair or at least two (2) members of the Board provided the Executive Director has sufficient time to issue a written notice to Board members at least eighteen (18) hours before the meeting. The request for a special meeting shall indicate the purpose of the meeting, and may be made at a Board meeting, by telephone, or in writing (e-mail is acceptable).

- C. Public Notice.** All regular and special meetings shall be open to the public, and proper notice shall be given to the public pursuant to the Michigan Open Meetings Act, as amended (Act 267 of 1976, MCL 15.261. *et seq.*).
- D. Robert's Rules of Order.** *Webster's New World Robert's Rules of Order Simplified and Applied* shall be followed for issues not specifically covered by these rules. Where these rules conflict or are different than *Robert's Rules*, then these rules shall govern.
- E. Quorum.** A quorum of the Board shall consist of at least 6 of the members of the currently appointed Board present, either physically present or available by conference telephone or similar communication equipment by which all persons participating in the meeting can hear each other. No action shall be taken in the absence of a quorum, except to receive information reports or presentations not requiring action by the Board, or to schedule matters for public hearings, or to adjourn the meeting to a subsequent date. The vote of the majority of the members participating in a meeting at which a quorum is present constitutes the action of the Board, unless otherwise required by Statute, City Ordinance, or *Webster's New World Robert's Rules of Order Simplified and Applied*.
- F. Agenda.** The Executive Director, Chair, or Secretary shall prepare the agenda for all regular and special meetings. Any two Board members may add an item to the agenda. During the meeting the agenda shall generally be followed, except that either the Chair, or the Board by motion, may modify the order of business for good reason. The Chair may not unilaterally remove or add an item to the agenda.
- G. Voting.** Voting shall be by voice or hand by those members physically present and shall be recorded as the number in support and the number in opposition. Abstentions for conflicts of interest shall be noted. Roll call votes shall only be recorded upon request by a member of the Board (or when required by law) and shall be recorded by "yes" or "no." Members participating by communication equipment are eligible to cast a vote on any issue before the Board; voting by proxy is not permitted.
 - 1. Simple Majority. Provided a quorum is established, a majority vote shall be necessary to approve any motion, resolution or recommendation, other than as otherwise required under State law, City ordinance, these Bylaws, or *Webster's New World Robert's Rules of Order Simplified and Applied*.
- H. Meeting Chair.** The Chair of the meeting must be physically present to lead the agenda; the Chair cannot run the meeting when participating by communication equipment.
- I. Records of Meeting.** The Secretary shall keep a public record of Board meetings, which at a minimum, shall include the following:
 - 1. Meeting minutes for all regular and special meetings of the Board, to include specific motions made and the vote thereon.
 - 2. Relevant written and visual materials submitted in connection with a specific project upon which the Board is required or requested to act.

ARTICLE VI - PROCEDURES FOR PUBLIC HEARINGS

- A. Public Hearings.** The following procedures shall be followed for required public hearings for applications pending before the Board. Where it appears necessary to maintain the efficient conduct of the Board's business and to give all interested citizens an opportunity to be heard, the Chair may establish time limits for persons appearing before the Board.
 - 1. Staff Presentation. The Executive Director or his or her designee shall present a description of the proposal, its location, its relationship to surrounding properties, and the nature of the request. The presentation shall also include a brief summary of written public comment received by the Economic Development Department and/or the Executive Director.
 - 2. Applicant Presentation. The Applicant may present his or her proposal.
 - 3. Public Comment. Individuals who wish to speak must state their name and whether they reside or own property within the District development area for the public record. Comments must be relevant to the proposed project.
 - 4. Applicant Response. The Applicant shall be allowed to respond to the public comments.

5. Questions. Regardless of the procedures stated above, any member of the Board or staff persons assisting the Board may, during the public hearing, ask questions or seek additional information from any person appearing before the Board.
- B. Deliberation and Decision.** Following the presentations and public comment period, the Board shall deliberate in public on the agenda item. A motion to approve, deny or postpone action on the matter shall be made, seconded and voted upon at this time.
- C. Postponed Public Hearing.** In the event a scheduled, public hearing has to be postponed, the Board may, but is not required to, take the comments of persons desiring to provide comment so that they do not have to appear at the rescheduled public hearing. In such event, the minutes of those comments shall be made available to and considered by the Board at the rescheduled public hearing and shall be made a part of the official record of the matter under consideration.

ARTICLE VII - PROCEDURES FOR COMMENT ON OTHER MATTERS

A. Agenda Items for Which No Public Hearing is Held. On each individual matter for which a public hearing is not held but on which the Board will act, after the staff presentation of the item is made but before Board discussion, the Applicant shall be permitted to speak. The Board may permit the public to comment on such items.

B. Public Comment Before Adjournment. At the conclusion of each meeting prior to adjournment, anyone wishing to address the Board on any other matter relevant to its functions and responsibilities, on which the public has not been afforded an opportunity to speak earlier in the meeting, shall be permitted to speak up to a maximum of three (3) minutes.

C. Other Public Comment.

1. Chair's Discretion. At the discretion of the Chair, a person may be permitted to speak at any time on any matter for an appropriate length of time by the Chair when the Chair or other member determines the Board may benefit from such presentation.
2. Limit on Redundant Presentations. Notwithstanding the foregoing, whenever circumstances warrant, due to the length of a meeting agenda, the unusual number of people wishing to speak, or other similar reason, the Chair shall have the right to limit redundant presentations. In no event, however, shall a person otherwise entitled to speak be deprived of the opportunity to give his or her name and address, whether they are in favor of or opposed to an item, and very briefly their reasons (for the same reasons as a previous identified speaker shall be sufficient).

ARTICLE VIII - AMENDMENTS

A. These Rules may be amended at any meeting of the Board if notice of the proposed amendment(s) appears on the agenda of the meeting at which the amendment(s) are to be considered.

B. Any amendment to these bylaws requires the affirmative vote of 2/3 of the members of the currently appointed Board.

C. Any amendment to be effective must be approved by the City Commission.

THESE RULES WERE APPROVED BY THE KALAMAZOO CITY COMMISSION ON

_____.

Secretary

Date



Commission Agenda Report

City of Kalamazoo

TO: Vice Mayor Knott and City Commissioners

FROM: Bobby J. Hopewell, Mayor

PREPARED BY: Scott A. Borling, City Clerk

DATE: 8/2/2019

SUBJECT: Approval of the Mayor's Appointments to Boards and Commissions

RECOMMENDATION

It is requested that the City Commission approve the Mayor's appointments to boards and commissions:

- the appointment of **Jason Novotny** to the Economic Development Corporation and Brownfield Redevelopment Authority Boards of Directors for a term expiring on March 31, 2025;
- the appointment of **Jasmine Vedula** to the Economic Development Corporation and Brownfield Redevelopment Authority Boards of Directors for a term expiring on March 31, 2025;
- the appointment of **Coreen Ellis** to the Planning Commission for a term expiring on March 31, 2021; and
- the appointment of **Shardae Chambers** to the Planning Commission for a term expiring on March 31, 2022.

BACKGROUND

City ordinance and state law establish that the Mayor appoints and re-appoints members to the Economic Development Corporation (EDC) and Brownfield Redevelopment Authority (BRA) Boards and the Planning Commission. After reviewing the nomination reports for Jason Novotny and Jasmine Vedula I have appointed them to the EDC/BRA boards. And after reviewing the applications of Coreen Ellis and Shardae Chambers I have appointed them to the Planning Commission. I am now requesting City Commission approval for these appointments as required by ordinance. The attached *Nomination Reports* from the EDC/BRA Board and Planning Commission describe the nominees' qualifications.

COMMUNITY RESOURCES CONSULTED

The recommended applicants were nominated by the EDC/BRA Boards and the Planning Commission.

FISCAL IMPACT

There is no fiscal impact directly associated with these appointments.

ALTERNATIVES

The City Commission could approve these appointments, not approve them, or postpone action to a date certain.

ATTACHMENTS:

Type	Description
▣	Report EDC/BRA Nomination Report
▣	Report Planning Commission Nomination Report



Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

RECOMMENDATION

The following are the members put forth for consideration for the Brownfield Redevelopment Authority (BRA) Board: **Jason Novotny and Jasmine Vedula.**

SPECIAL REQUIREMENTS FOR THIS POSITION

The BRA bylaws require that at least half of the members live within the City of Kalamazoo. Both the candidates put forth meet the city residency requirement.

SELECTION PROCESS

The BRA Board voted to appoint a 3-member nominating committee to review board applications and hold interviews. Applications were available at the City of Kalamazoo Clerk's Office and online. The application was the standard City Board application.

NOMINEE QUALIFICATIONS

Nominations for 6-Year Terms.

Jason Novotny. Mr. Novotny is an architect at a local firm in the City of Kalamazoo. He lives in the City and has served on several non-profit boards. He has designed many projects in the City's and other local brownfield redevelopment programs.

Jasmine Vedula. Ms. Vedula is a recent graduate of Western Michigan University and works for Kalamazoo Valley Habitat for Humanity. She lives in the City and serves on the board of FOCUS Kalamazoo. She is active with the Eastside Neighborhood Network in her role at Habitat for Humanity and is engaged in implementation of the neighborhood plan.

Dual Board Memberships

Currently, no nominees are members of another city advisory board.

Residency

Both candidates are residents of Kalamazoo.

Contribution To Diversity

The nominees represent a mix of genders, ages, and racial and ethnic backgrounds.

NOMINATION RATIONALE

The backgrounds, skills, and interests of the nominees qualify them to serve as members BRA Board. They will contribute to a diverse board and have demonstrated commitment to leadership in economic development, affordable housing, and brownfield redevelopment.

CITY CLERK'S CERTIFICATION

The nominee's qualifications regarding dual board membership, residency, and term limits have been reviewed and verified by the City Clerk's Office.

Scott A. Borling, City Clerk



Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

RECOMMENDATION

The Planning Commission recommends that Mayor Hopewell appoint **Coreen Ellis and Shardae Chambers** to the Commission for terms that would expire on March 31, 2021 (partial term) and March 31, 2022 (full term) respectively,

SELECTION PROCESS

Planning Commission members must be residents of the City of Kalamazoo and should have knowledge of the City as well as familiarity with the zoning ordinance and future land use plan, and an understanding of current issues in the community.

The Planning Commission nomination committee interviewed both candidates and recommends approval of Coreen Ellis and Shardae Chambers as both exhibited an interest in land use and development in Kalamazoo and a working knowledge of Imagine Kalamazoo and the 2025 Master Plan.

NOMINEE QUALIFICATIONS

Residency

Both nominees are residents of the City of Kalamazoo, living in Westwood and South Westnedge neighborhoods.

Contribution To Diversity

The nominees expand the diversity of the Planning Commission membership in multiple ways, including gender, race, background, and neighborhood.

Training, Experience, Education, & Skills

The Planning Commission will be a new experience for both nominees, however, both are engaged in our community and are looking for new ways to serve. Both nominees are familiar with the Planning Commission's duties and the roles of a Commissioner.

NOMINATION RATIONALE

The backgrounds, skills, and interests of the nominees qualify them to serve as members of the Planning Commission. Both nominees are outgoing, good communicators, and had knowledge of the City and its many neighborhoods. They possess diverse backgrounds and are the only representatives of their respective neighborhoods. With their approval, the membership of the Planning Commission will more closely reflect that of the City. Most importantly, each shares a strong interest in the City and a desire to serve the community.

CITY CLERK'S CERTIFICATION

The nominees' qualifications regarding dual board membership, residency, and term limits have been reviewed and verified by the City Clerk's Office.

Scott A. Borling, City Clerk



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Orrin Dorr, Public Works Division Manager

DATE: 7/25/2019

SUBJECT: Portage Street Improvements Project - Permanent Easement Agreement (Parcel Id: 06-22-292-011)

RECOMMENDATION

It is recommended that City Commission approve and authorize the City Manager to sign the Public Infrastructure Easement with Kalamazoo Loaves & Fishes associated with the Portage Street Improvement Project.

BACKGROUND

The attached Public Infrastructure Easement reflects the portion of the owner's property that is required to widen & construct the intersection and sidewalk on Portage Street. During design of the road project, it was concluded that the road needed to be widened in order to maintain efficiency of the intersection and to match the new pavement structure. The Easement Agreement was needed to construct and maintain the pavement and sidewalk.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

The City will pay \$6,556 for the Easement Agreement. The funds for this agreement are available in the Major Streets capital improvement projects budget.

ALTERNATIVES

The City Commission could decline to approve the Easement Agreement, but this action is not recommended. The intersection would need to be reconstructed and sidewalk construction is recommended.

ATTACHMENTS:

Type	Description
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▣ Easement Permanent Public Infrastructure Easement

PUBLIC INFRASTRUCTURE EASEMENT

THIS AGREEMENT dated July 31, 2019 between Kalamazoo Loaves & Fishes, Inc., a Michigan nonprofit corporation, whose address is 901 Portage Street, Kalamazoo, MI 49001 ("Grantor") and the City of Kalamazoo, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City").

Recitals:

- A. Grantor owns a certain parcel of real estate at 901 Portage Street, Kalamazoo, MI 49001 in the City and County of Kalamazoo, which is more specifically identified by tax ID# 06-22-292-011 ("Property").
- B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with the Portage Street Improvements Project.
- C. Grantor agrees to grant to the City an infrastructure easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

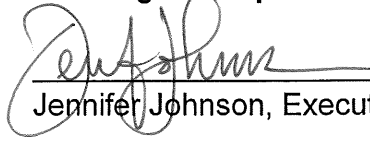
THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth below, the parties agree as follows:

- 1. Grant of Easement. In consideration of *Six Thousand Five Hundred Fifty-Six Dollars (\$6,556.00)* to be paid by City to Grantor contemporaneous with the execution of this Agreement, Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through a 1,148-square foot portion of the Property as described in Exhibit A ("Easement Area")
- 2. Purpose of the Easement. The City shall use the Easement Area solely for the purpose of constructing, operating, maintaining, repairing, improving or replacing components of the city's infrastructure including but not limited to pipelines, connections, leads, mast arms and poles, traffic signals, pavements, sidewalk and all other components of the city's public infrastructure systems placed within the Easement Area. ("Infrastructure Activities")

3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary through the Property, in order to carry out the Infrastructure Activities, subject to the following conditions:
- a) Perform the Infrastructure Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
 - b) Restore the Easement Area without cost to Grantor after completion of the Infrastructure Activities to the same condition as existed before any such infrastructure activity was performed. If necessary, such restoration shall include re-grading and reseeding any lawn areas, and repairing any signage and other improvements disturbed by the City's activities.
 - c) Exercise reasonable care to protect any fixed structures, landscaping and other improvements on the Property during the performance of Infrastructure Activities.
 - d) Grantor agrees not to hereafter construct any buildings or permanent structures on or within the Easement Area, unless prior written approval is given by the City for a particular building or structure.
4. No Warranty. The City acknowledges that it has determined, or has had the opportunity to determine, through its own investigation, that Grantor is lawfully seized and possessed of the Easement Area, that such Easement Area is free from all encumbrances that would adversely affect the City's rights under this Agreement, that Grantor has made no representations regarding the same, and that Grantor is not obligated to defend its title to the Easement Area and the easement granted herein to the City against the lawful claims of all persons.
5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.
6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.
7. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.
8. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.

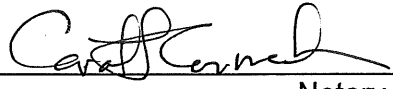
[Signature Page to Follow]

**Kalamazoo Loaves & Fishes, Inc.,
a Michigan nonprofit corporation:**


Jennifer Johnson, Executive Director

STATE OF MICHIGAN)
) ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on July 31,
2019, by Jennifer Johnson, Executive Director for Kalamazoo Loaves & Fishes, Inc., a
Michigan nonprofit corporation, on behalf of the Grantor.


Notary Public
Kalamazoo County, Michigan
My commission expires: 10-28-2025
Acting in Kalamazoo County

**City of Kalamazoo, a Michigan
municipal corporation:**

By: James K. Ritsema
Its: City Manager

STATE OF MICHIGAN)
) ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on, _____ 2019
by James K. Ritsema, City Manager for and on behalf of the Grantee, City of
Kalamazoo, a Michigan municipal corporation the City of Kalamazoo.

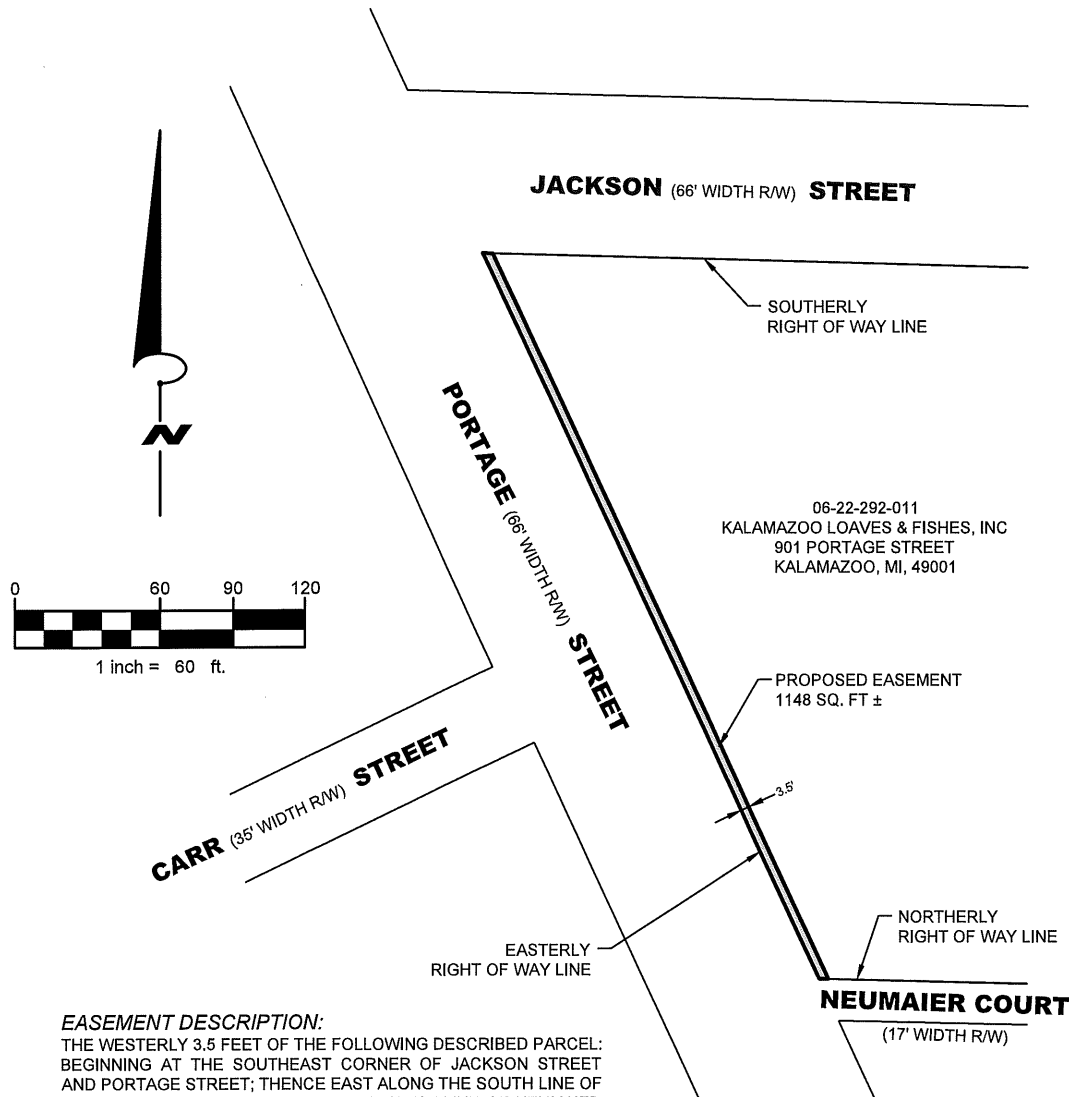
Notary Public
Kalamazoo County, Michigan
My commission expires: _____
Acting in Kalamazoo County

Prepared By & After Recording Return To:
Michiana Land Services, Inc.
Gail Morton
505 Pleasant Street, Suite 400
St. Joseph, MI 49085
269-350-1574

#7

**NOTE: THIS IS NOT A
BOUNDARY SURVEY**

SKETCH



EASEMENT DESCRIPTION:

THE WESTERLY 3.5 FEET OF THE FOLLOWING DESCRIBED PARCEL:
BEGINNING AT THE SOUTHEAST CORNER OF JACKSON STREET
AND PORTAGE STREET; THENCE EAST ALONG THE SOUTH LINE OF
JACKSON STREET, 320.26 FEET TO THE WEST LINE OF NEUMAIER
COURT; THENCE SOUTH 0 DEGREES 33 MINUTES 55 SECONDS
WEST ALONG SAID WEST LINE, 225.60 FEET; THENCE SOUTH 89° 08
MINUTES 56 SECONDS WEST, 66.0 FEET; THENCE SOUTH 0
DEGREES 33 MINUTES 55 SECONDS WEST, 68.43 FEET TO THE
NORTH LINE OF SAID COURT; THENCE SOUTH 89 DEGREES 51
MINUTES 10 SECONDS WEST THEREON, 103.39 FEET TO THE
EASTERLY LINE OF PORTAGE STREET; THENCE NORTH 26° 39
MINUTES 10 SECONDS WEST THEREON, 327.97 FEET TO THE
PLACE OF BEGINNING.

SUBJECT TO SURVEY.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF
RECORD OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND
ACCURATE TITLE SEARCH.

CITY OF KALAMAZOO, KALAMAZOO COUNTY

SECTION 22, T 2 S, R 11 W

182018 ESMIT



2303 Pipestone Road, Benton Harbor, MI 49022
433 East Ransom Street, Kalamazoo, MI 49007
1670 Lincoln Road, Allegan, MI 49010

269.927.0100
269.327.3532
269.673.8465
www.gowightman.com

CLIENT: CITY OF KALAMAZOO

JOB No: 194007

DATE: 6/6/2019

SCALE: 1" = 60'

DRAWN BY: A. EUBANKS

CHECKED BY: ADS

**KALAMAZOO
LOAVES & FISHES, INC**

PARCEL INFO PER
CITY OF KALAMAZOO GIS

06-22-292-011



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Orrin Dorr, Public Works Division Manager

DATE: 7/25/2019

SUBJECT: Portage Street Improvements Project - Permanent Easement Agreement (Parcel Id: 06-22-444-001)

RECOMMENDATION

It is recommended that City Commission approve and authorize the City Manager to sign the Public Infrastructure Easement with New Wine Christian Fellowship associated with the Portage Street Improvement Project.

BACKGROUND

The attached Public Infrastructure Easement reflects the portion of the owner's property that is required to widen & construct the intersection and sidewalk on Portage Street. During design of the road project, it was concluded that the road needed to be widened in order to maintain efficiency of the intersection and to match the new pavement structure. The Easement Agreement was needed to construct and maintain the pavement and sidewalk.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

The City will pay \$1,057 for the Easement Agreement. The funds for this agreement are available in the Major Streets capital improvement projects budget.

ALTERNATIVES

The City Commission could decline to approve the Easement Agreement, but this action is not recommended. The intersection would need to be reconstructed and sidewalk construction is recommended.

ATTACHMENTS:

Type	Description
------	-------------

▣ Easement Permanent Public Infrastructure Easement

PUBLIC INFRASTRUCTURE EASEMENT

THIS AGREEMENT dated July 9, 2019 between New City Church formerly known as New Wine Christian Fellowship of Kalamazoo, a Michigan nonprofit corporation, whose address is 1310 Portage Street, Kalamazoo, MI 49001 ("Grantor") and the City of Kalamazoo, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City").

Recitals:

- A. Grantor owns a certain parcel of real estate at 1310 Portage Street, Kalamazoo, MI 49001 in the City and County of Kalamazoo, which is more specifically identified by tax ID# 06-22-444-001 ("Property").
- B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with the Portage Street Improvements Project.
- C. Grantor agrees to grant to the City an infrastructure easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

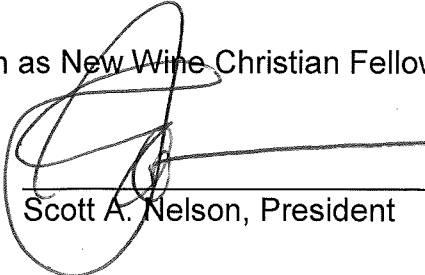
THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth below, the parties agree as follows:

- 1. Grant of Easement. In consideration of [*Insert agreed amount ex: One Thousand Fifty-Seven Dollars (\$1,057.00)*]. Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through a 185-square foot portion of the Property as described in Exhibit ("Easement Area")
- 2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing components of the city's infrastructure including but not limited to pipelines, connections, leads, mast arms and poles, traffic signals, pavements, sidewalk and all other components of the city's public infrastructure systems placed within the Easement Area. ("Infrastructure Activities")

3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary through the Property, in order to carry out the Infrastructure Activities, subject to the following conditions:
 - a) Perform the Infrastructure Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
 - b) Restore the Easement Area without cost to Grantor after completion of the Infrastructure Activities to the same condition as existed before any such infrastructure activity was performed. If necessary, such restoration shall include re-grading and reseeding any lawn areas disturbed by the City's activities.
 - c) Exercise reasonable care to protect any fixed structures, landscaping and other improvements on the Property during the performance of Infrastructure Activities.
 - d) Grantor agrees not to construct any buildings or permanent structures on or within the Easement Area, unless prior written approval is given by the City for a particular building or structure.
4. Warranty. The Grantor covenants with the City that Grantor is lawfully seized and possessed of the Property, that such parcel is free from all encumbrances that would adversely affect the City's rights under this Agreement, and that Grantor will warrant and defend its title to the Property and the easement granted to the City against the lawful claims of all persons.
5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.
6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.
7. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.
8. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.

[Signature Page to Follow]

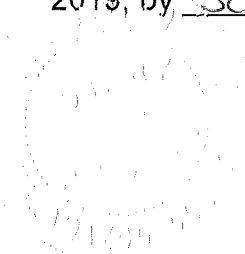
New City Church formerly known as New Wine Christian Fellowship of Kalamazoo:



Scott A. Nelson, President

STATE OF MICHIGAN }
) ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on July 9,
2019, by Scott A. Nelson, on behalf of the Grantor.
President


Gail Morton
GAIL MORTON Notary Public
Kalamazoo County, Michigan
My commission expires: 3-15-2024
Acting in Kalamazoo County

CITY OF KALAMAZOO

By: _____
James K. Ritsema
Its: City Manager

STATE OF MICHIGAN }
) ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on _____,
2019 by James K. Ritsema for and on behalf of the Grantee, the City of Kalamazoo, its
City Manager.

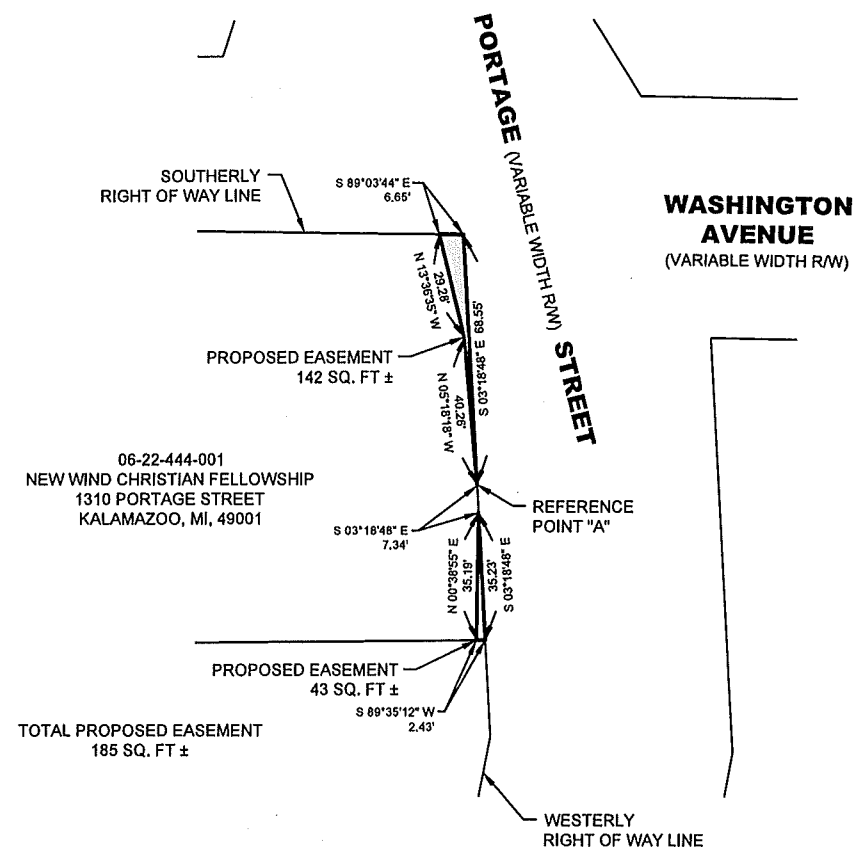
Notary Public
Kalamazoo County, Michigan
My commission expires: _____
Acting in _____ County

Prepared By & After Recording Return To:
Michiana Land Services, Inc.
Gail Morton
505 Pleasant Street, Suite 400
St. Joseph, MI 49085
269-350-1574

#8 ✓

**NOTE: THIS IS NOT A
BOUNDARY SURVEY**

SKETCH



CITY OF KALAMAZOO, KALAMAZOO COUNTY

SECTION 23, T 2 S, R 11 W

182018 ESM/T8

EASEMENT DESCRIPTION:

THAT PART THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF WASHINGTON AVENUE AND THE WESTERLY RIGHT OF WAY LINE OF PORTAGE STREET; THENCE SOUTH 03° 18' 48" EAST ON SAID WESTERLY RIGHT OF WAY 68.55 FEET TO REFERENCE POINT "A"; THENCE NORTH 05° 18' 18" WEST 40.26 FEET; THENCE NORTH 13° 36' 35" WEST 29.28 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE; THENCE SOUTH 89° 03' 44" EAST ON SAID SOUTHERLY RIGHT OF WAY LINE 6.65 FEET TO THE POINT OF BEGINNING.

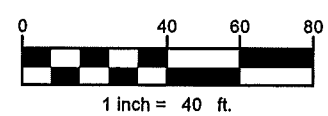
ALSO, BEGINNING AT A POINT ON SAID WESTERLY RIGHT OF WAY LINE 7.34 FEET SOUTH 03° 18' 48" EAST OF SAID REFERENCE POINT "A"; THENCE SOUTH 03° 18' 48" EAST ON SAID WESTERLY RIGHT OF WAY LINE 35.23 FEET; THENCE SOUTH 89° 35' 12" WEST 2.43 FEET; THENCE NORTH 00° 38' 55" EAST 35.19 FEET TO THE POINT OF BEGINNING.

SUBJECT TO SURVEY.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.



W+ WIGHTMAN
2303 Pipestone Road, Benton Harbor, MI 49022
433 East Ransom Street, Kalamazoo, MI 49007
1670 Lincoln Road, Allegan, MI 49010
269.927.0100
269.327.3532
269.673.8465
www.gowightman.com

CLIENT: CITY OF KALAMAZOO
JOB No: 194007
DATE: 5/22/2019
SCALE: 1" = 40'
DRAWN BY: A. EUBANKS
CHECKED BY: ADS

**NEW WINE
CHRISTIAN
FELLOWSHIP**
06-22-444-001

PARCEL INFO PER
CITY OF KALAMAZOO GIS



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Orrin Dorr, Public Works Division Manager

DATE: 7/25/2019

SUBJECT: Portage Street Improvements Project - Permanent Easement Agreement (Parcel Id: 06-22-449-006)

RECOMMENDATION

It is recommended that City Commission approve and authorize the City Manager to sign the Public Infrastructure Easement with Kalamazoo Probation Enhancement associated with the Portage Street Improvement Project.

BACKGROUND

The attached Public Infrastructure Easement reflects the portion of the owner's property that is required to widen & construct the intersection and sidewalk on Portage Street. During design of the road project, it was concluded that the road needed to be widened in order to maintain efficiency of the intersection and to match the new pavement structure. The Easement Agreement was needed to construct and maintain the pavement and sidewalk.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

The City will pay \$1,234 for the Easement Agreement. The funds for this agreement are available in the Major Streets capital improvement projects budget.

ALTERNATIVES

The City Commission could decline to approve the Easement Agreement, but this action is not recommended. The intersection would need to be reconstructed and sidewalk construction is recommended.

ATTACHMENTS:

Type	Description
------	-------------

▣ Easement Permanent Public Infrastructure Easement

PUBLIC INFRASTRUCTURE EASEMENT

THIS AGREEMENT dated 18 July, 2019 between Kalamazoo Probation Enhancement Program, a Michigan nonprofit corporation, whose address is 519 S. Park Street, Kalamazoo, MI 49007 ("Grantor") and the City of Kalamazoo, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("City").

Recitals:

- A. Grantor owns a certain parcel of real estate at 1324 Portage Street, Kalamazoo, MI 49001 in the City and County of Kalamazoo, which is more specifically identified by tax ID# 06-22-449-006 ("Property").
- B. The City desires to obtain an easement on, over, under, across and through a portion of the Property in conjunction with the Portage Street Improvements Project.
- C. Grantor agrees to grant to the City an infrastructure easement on, over, under, across and through a portion of the Property for the purposes as set forth in this Agreement.

THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth below, the parties agree as follows:

- 1. Grant of Easement. In consideration of [*Insert agreed amount ex: One Thousand Two Hundred Thirty-Four Dollars (\$1,234.00)*]. Grantor grants and conveys to the City a permanent easement and right-of-way on, over, under, across and through a 216-square foot portion of the Property as described in Exhibit ("Easement Area")
- 2. Purpose of the Easement. The City shall use the Easement Area for the purpose of constructing, operating, maintaining, repairing, improving or replacing components of the city's infrastructure including but not limited to pipelines, connections, leads, mast arms and poles, traffic signals, pavements, sidewalk and all other components of the city's public infrastructure systems placed within the Easement Area. ("Infrastructure Activities")

3. Access to the Easement Area. The City shall have the right of ingress and egress to the Easement Area from the public right-of-way, and if necessary through the Property, in order to carry out the Infrastructure Activities, subject to the following conditions:
 - a) Perform the Infrastructure Activities without cost to Grantor and in such a manner as not to unreasonably interfere with Grantor's use of or the business operations conducted on the Property.
 - b) Restore the Easement Area without cost to Grantor after completion of the Infrastructure Activities to the same condition as existed before any such infrastructure activity was performed. If necessary, such restoration shall include re-grading and reseeded any lawn areas disturbed by the City's activities.
 - c) Exercise reasonable care to protect any fixed structures, landscaping and other improvements on the Property during the performance of Infrastructure Activities.
 - d) Grantor agrees not to construct any buildings or permanent structures on or within the Easement Area, unless prior written approval is given by the City for a particular building or structure.
4. Warranty. The Grantor covenants with the City that Grantor is lawfully seized and possessed of the Property, that such parcel is free from all encumbrances that would adversely affect the City's rights under this Agreement, and that Grantor will warrant and defend its title to the Property and the easement granted to the City against the lawful claims of all persons.
5. Authority of Representatives. The parties represent and warrant to the other that this Agreement and its execution by the individual(s) on its behalf are authorized by members or governing body of that party.
6. Binding Effect. This Easement Agreement shall bind the parties, and their successors and assigns. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.
7. Amendment. This Easement Agreement shall not be amended or modified except in writing signed by both parties.
8. Governing Law. This Agreement is governed under applicable Michigan law. Both parties had the assistance of legal counsel in the negotiation and preparation of this Agreement. Therefore, no construction or ambiguity of this Agreement is resolved against either party.

[Signature Page to Follow]

Kalamazoo Probation Enhancement Program:

William A. Deboer

William A. Deboer, President

STATE OF MICHIGAN }
) ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on 18 July, 2019, by William A. Deboer, President for Kalamazoo Probation Enhancement Program, a Michigan nonprofit corporation on behalf of the Grantor.

Gail Morton

GAIL MORTON Notary Public
Kalamazoo County, Michigan
My commission expires: 3-15-2024
Acting in Kalamazoo County

CITY OF KALAMAZOO

By: _____
James K. Ritsema
Its: City Manager

STATE OF MICHIGAN }
) ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me on _____, 2019 by James K. Ritsema for and on behalf of the Grantee, the City of Kalamazoo, its City Manager.

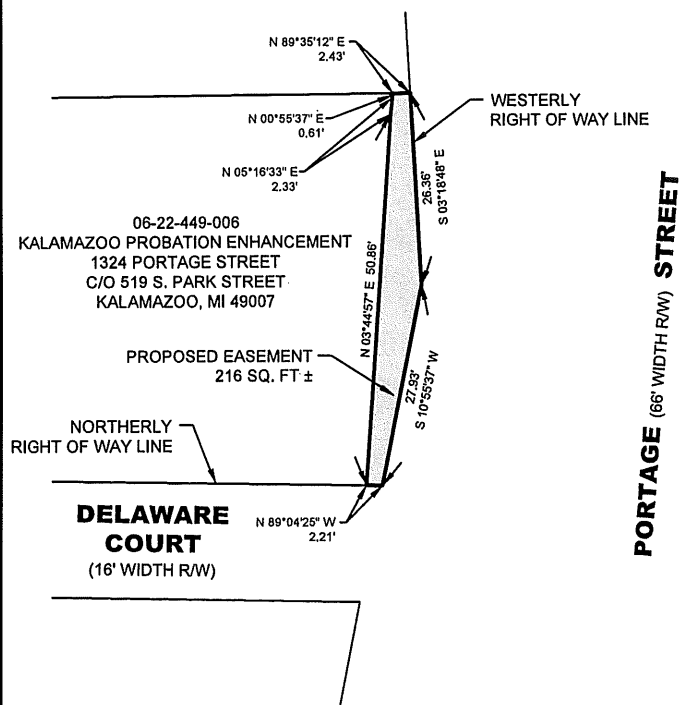
Notary Public
Kalamazoo County, Michigan
My commission expires: _____
Acting in _____ County

Prepared By & After Recording Return To:
Michiana Land Services, Inc.
Gail Morton
505 Pleasant Street, Suite 400
St. Joseph, MI 49085
269-350-1574

#9 ✓

**NOTE: THIS IS NOT A
BOUNDARY SURVEY**

SKETCH



EASEMENT DESCRIPTION:

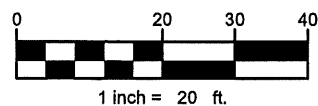
THAT PART THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF DELAWARE COURT AND THE WESTERLY RIGHT OF WAY LINE OF PORTAGE STREET; THENCE NORTH 89° 04' 25" WEST ON SAID NORTHERLY RIGHT OF WAY 2.21 FEET; THENCE NORTH 03° 44' 57" EAST 50.86 FEET; THENCE NORTH 05° 16' 33" EAST 2.33 FEET; THENCE NORTH 00° 55' 37" EAST 0.61 FEET; THENCE NORTH 89° 35' 12" EAST 2.43 FEET TO SAID WESTERLY RIGHT OF WAY LINE; THENCE SOUTH 03° 18' 48" EAST ON SAID WESTERLY RIGHT OF WAY LINE 26.36 FEET; THENCE SOUTH 10° 55' 37" WEST ON SAID WESTERLY RIGHT OF WAY LINE 27.93 FEET TO THE POINT OF BEGINNING.

SUBJECT TO SURVEY.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.



CITY OF KALAMAZOO, KALAMAZOO COUNTY

SECTION 23, T 2 S, R 11 W

182018 ESM19



2303 Pipestone Road, Benton Harbor, MI 49022
433 East Ransom Street, Kalamazoo, MI 49007
1670 Lincoln Road, Allegan, MI 49010

269.927.0100
269.327.3532
269.673.8465

www.gowightman.com

CLIENT: CITY OF KALAMAZOO

JOB No: 194007

DATE: 5/22/2019

SCALE: 1" = 20'

DRAWN BY: A. EUBANKS

CHECKED BY: ADS

**KALAMAZOO
PROBATION
ENHANCEMENT**

PARCEL INFO PER
CITY OF KALAMAZOO GIS

06-22-449-006



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Orrin Dorr, Public Works Division Manager

DATE: 7/25/2019

SUBJECT: Portage Street Improvements Project - Quit Claim Deed (Parcel Id: 06-23-315-001)

RECOMMENDATION

It is recommended that City Commission approve and authorize the City Manager to sign the Quit Claim Deed with Kalamazoo County Land Bank associated with the Portage Street Improvement Project.

BACKGROUND

The attached Quit Claim Deed reflects the portion of the owner's property that is required to widen & construct the intersection and sidewalk on Portage Street. During design of the road project, it was concluded that the road needed to be widened in order to maintain efficiency of the intersection and to match the new pavement structure. The Quit Claim deed Agreement was needed to construct and maintain the pavement and sidewalk.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

The City will pay \$1,616 for the Quit Claim Deed. The funds for this agreement are available in the Major Streets capital improvement projects budget.

ALTERNATIVES

The City Commission could decline to approve the Quit Claim Deed Agreement, but this action is not recommended. The intersection would need to be reconstructed and sidewalk construction is recommended.

ATTACHMENTS:

Type Description

- Deed Quit Claim Deed

#10

Quit Claim Deed

The Grantor(s) Kalamazoo County Land Bank Authority
whose address is 1523 Riverview Drive, Suite A, Kalamazoo, MI 49004
quit claims to City of Kalamazoo, a Michigan municipal corporation
whose address is 241 West South Street, Kalamazoo, MI 49007

LAND: AS SHOWN ON THE ATTACHED EXHIBIT "A" AND DESCRIBED BELOW AS:

THAT PART OF LOT 171, REVISED PLAT OF HAYS PARK, BEING A SUBDIVISION IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN, RECORDED IN LIBER 7 OF PLATS, PAGE 15, KALAMAZOO COUNTY RECORDS, DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 171; THENCE SOUTH 88° 46' 14" EAST ON THE SOUTHERLY RIGHT OF WAY OF WASHINGTON AVENUE 18.08 FEET; THENCE SOUTH 45° 37' 09" WEST 15.64 FEET; THENCE SOUTH 01° 15' 27" WEST 28.70 FEET TO THE SOUTH LINE OF THE NORTH 40 FEET OF SAID LOT 171; THENCE NORTH 88° 46' 14" WEST ON SAID SOUTH LINE 3.96 FEET TO THE EASTERLY LINE OF PORTAGE STREET; THENCE NORTH 03° 18' 48" WEST ON SAID EASTERLY RIGHT OF WAY LINE 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 283 SQUARE FEET +/-.
SUBJECT TO SURVEY.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.
SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

If the land being conveyed is unplatted, the following is deemed to be included: 1) This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act. and 2) The grantor grants to the grantee the right to make 0 division(s).

for the sum of ONE THOUSAND SIX HUNDRED SIXTEEN DOLLARS AND 00/100'S (\$1,616.00).

Subject to easements and building and use restrictions of record.

Dated this _____ day of _____, 2019.

KALAMAZOO COUNTY LAND BANK AUTHORITY

Signature: _____
Kelly Clarke, Executive Director

STATE OF MICHIGAN

COUNTY OF KALAMAZOO

The foregoing instrument was acknowledged before me this _____ day of _____, 2019.
by Kelly Clarke, Executive Director for Kalamazoo Land Bank Authority, known to be the same persons described in and who executed the within instrument, who has acknowledged the same to be their free act and deed.

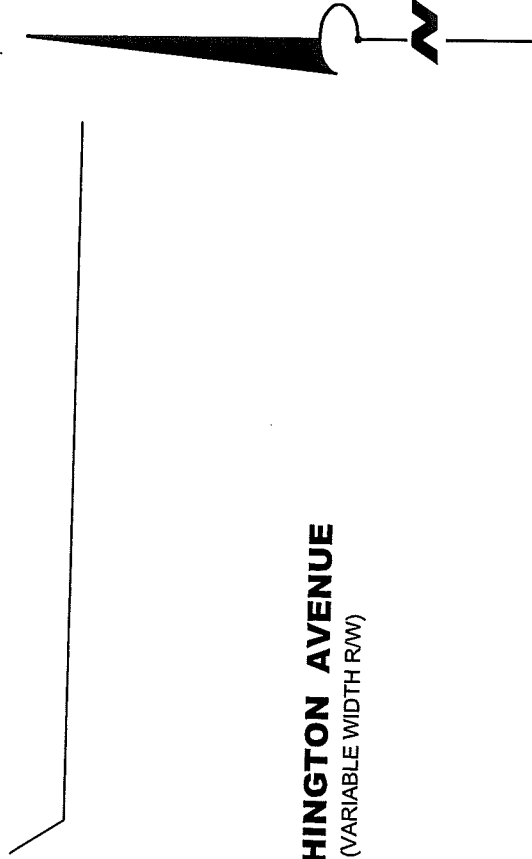
Signature: _____
Printed: _____, Notary Public
Residing In: Kalamazoo County
My commission expires: _____
Acting in Kalamazoo, County _____

Drafted by:
Michiana Land Services, Inc.
Gail Morton
505 Pleasant Street, Suite 400
St. Joseph, MI 49085

When recorded return to:
Michiana Land Services, Inc.
Gail Morton
505 Pleasant Street, Suite 400
St. Joseph, MI 49085

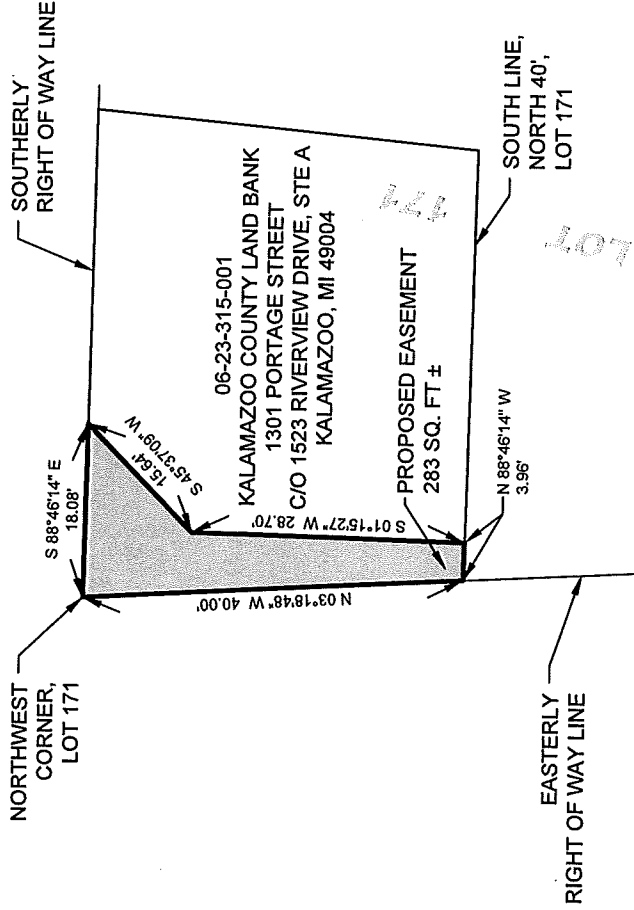
NOTE: THIS IS NOT A
BOUNDARY SURVEY

SKETCH



WASHINGTON AVENUE
(VARIABLE WIDTH R/W)

PORTAGE (66' WIDTH R/W) STREET



EASEMENT DESCRIPTION:

THAT PART OF LOT 171, REVISED PLAT OF HAYS PARK, BEING A SUBDIVISION IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN, RECORDED IN LIBER 7 OF PLATS, PAGE 15, KALAMAZOO COUNTY RECORDS, DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 171; THENCE SOUTH 88° 46' 14" EAST ON THE SOUTHERLY RIGHT OF WAY OF WASHINGTON AVENUE 18.08 FEET; THENCE SOUTH 45° 37' 09" WEST 15.64 FEET; THENCE SOUTH 01° 15' 27" WEST 28.70 FEET TO THE SOUTH LINE OF THE NORTH 40 FEET OF SAID LOT 171; THENCE NORTH 88° 46' 14" WEST ON SAID SOUTH LINE 3.96 FEET TO THE EASTERLY LINE OF PORTAGE STREET; THENCE NORTH 03° 18' 48" WEST ON SAID EASTERLY RIGHT OF WAY LINE 40.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO SURVEY.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.



WIGHTMAN

2303 Pipestone Road, Benton Harbor, MI 49022
433 East Ransom Street, Kalamazoo, MI 49007
1670 Lincoln Road, Allegan, MI 49010

CLIENT: CITY OF KALAMAZOO

JOB No: 194007

DATE: 5/22/2019

SCALE: 1" = 20'

269.927.0100

269.327.3532

269.673.8465

www.wightman.com

DRAWN BY: A. EUBANKS

CHECKED BY: ADS

PARCEL INFO PER
CITY OF KALAMAZOO GIS

06-23-315-001

KALAMAZOO COUNTY
LAND BANK



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Knott, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager

REVIEWED BY: James J. Baker, PE Public Services Director and City Engineer

PREPARED BY: Orrin Dorr, Public Works Division Manager

DATE: 7/25/2019

SUBJECT: Portage Street Improvements Project - Quit Claim Deed Agreement (Parcel Id: 06-23-320-201)

RECOMMENDATION

It is recommended that City Commission approve and authorize the City Manager to sign the Quit Claim Deed with Kalamazoo County Land Bank associated with the Portage Street Improvement Project.

BACKGROUND

The attached Quit Claim Deed reflects the portion of the owner's property that is required to widen & construct the intersection and sidewalk on Portage Street. During design of the road project, it was concluded that the road needed to be widened in order to maintain efficiency of the intersection and to match the new pavement structure. The Quit Claim Deed Agreement was needed to construct and maintain the pavement and sidewalk.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

The City will pay \$560 for the Quit Claim Deed. The funds for this agreement are available in the Major Streets capital improvement projects budget.

ALTERNATIVES

The City Commission could decline to approve the Quit Claim Deed Agreement, but this action is not recommended. The intersection would need to be reconstructed and sidewalk construction is recommended.

ATTACHMENTS:

Type Description

- Deed Quit Claim Deed

#11

Quit Claim Deed

The Grantor(s) Kalamazoo County Land Bank, a municipal body corporate
whose address is 1523 Riverview Drive, Suite A, Kalamazoo, MI 49004
quit claims to City of Kalamazoo, a Michigan municipal corporation
whose address is 241 West South Street, Kalamazoo, MI 49007

LAND: AS SHOWN ON THE ATTACHED EXHIBIT "A" AND DESCRIBED BELOW AS:
THAT PART OF LOT 171, REVISED PLAT OF HAYS PARK, BEING A SUBDIVISION IN SECTION 23,
TOWNSHIP 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN,
RECORDED IN LIBER 7 OF PLATS, PAGE 15, KALAMAZOO COUNTY RECORDS, DESCRIBED AS:
BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF PORTAGE STREET THAT IS 40.00
FEET SOUTH 03° 18' 48" EAST OF THE NORTHWEST CORNER OF SAID LOT 171; THENCE SOUTH 88° 46'
14" EAST ON THE SOUTH LINE OF THE NORTH 40 FEET OF SAID LOT 171 A DISTANCE OF 3.96 FEET;
THENCE SOUTH 01° 15' 27" WEST 49.56 FEET TO SAID EASTERLY RIGHT OF WAY LINE; THENCE NORTH
03° 18' 48" WEST ON SAID EASTERLY RIGHT OF WAY LINE 49.71 FEET TO THE POINT OF BEGINNING.
CONTAINING 98 SQUARE FEET +/-.
SUBJECT TO SURVEY.
SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.
SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
BEARINGS ARE TELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

If the land being conveyed is unplatted, the following is deemed to be included: 1) This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act. and 2) The grantor grants to the grantee the right to make 0 division(s).
for the sum of FIVE HUNDRED SIXTY DOLLARS AND 00/100'S (\$560.00).

Subject to easements and building and use restrictions of record.

Dated this _____ day of _____, 2019.

KALAMAZOO COUNTY LAND BANK, A MUNICIPAL BODY CORPORATE

Signature: _____
Kelly Clarke, Executive Director

STATE OF MICHIGAN
COUNTY OF KALAMAZOO

The foregoing instrument was acknowledged before me this _____ day of _____, 2019.
by Kelly Clarke, Executive Director for Kalamazoo Land Bank, a municipal body corporate, known to be the same persons described in and who executed the within instrument, who has acknowledged the same to be their free act and deed.

Signature: _____
Printed: _____, Notary Public
Residing In: Kalamazoo County
My commission expires: _____
Acting in Kalamazoo, County

Drafted by:
Michiana Land Services, Inc.
Gail Morton
505 Pleasant Street, Suite 400
St. Joseph, MI 49085

When recorded return to:
Michiana Land Services, Inc.
Gail Morton
505 Pleasant Street, Suite 400
St. Joseph, MI 49085

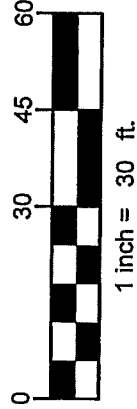
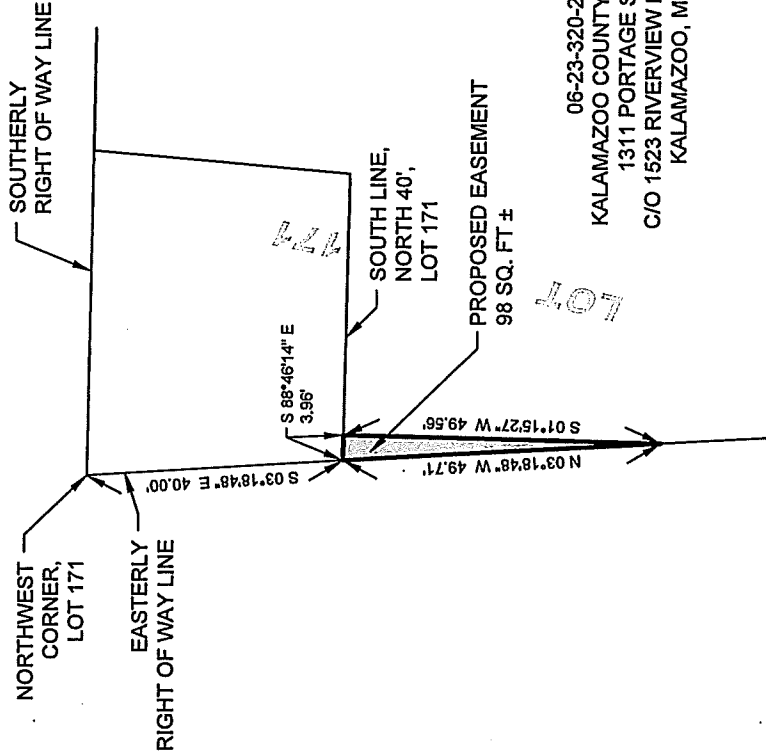
#11

NOTE: THIS IS NOT A
BOUNDARY SURVEY

SKETCH

WASHINGTON AVENUE
(VARIABLE WIDTH R/W)

PORTAGE (66' WIDTH R/W) STREET



EASEMENT DESCRIPTION:
THAT PART OF LOT 171, REVISED PLAT OF HAYS PARK, BEING A SUBDIVISION IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN, RECORDED IN LIBER 7 OF PLATS, PAGE 15, KALAMAZOO COUNTY RECORDS, DESCRIBED AS: BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF PORTAGE STREET THAT IS 40.00 FEET SOUTH 03° 18' 48" EAST OF THE NORTHWEST CORNER OF SAID LOT 171; THENCE SOUTH 88° 46' 14" EAST ON THE SOUTH LINE OF THE NORTH 40 FEET OF SAID LOT 171 A DISTANCE OF 3.96 FEET; THENCE SOUTH 01° 15' 27" WEST 49.56 FEET TO SAID EASTERLY RIGHT OF WAY LINE; THENCE NORTH 03° 18' 48" WEST ON SAID EASTERLY RIGHT OF WAY LINE 49.71 FEET TO THE POINT OF BEGINNING.

SUBJECT TO SURVEY.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.



WIGHTMAN

CLIENT: CITY OF KALAMAZOO

JOB No: 194007

DATE: 5/22/2019

SCALE: 1" = 30'

269.927.0100

269.327.3532

269.673.8465

www.gowightman.com

2303 Pipestone Road, Benton Harbor, MI 49022

433 East Ransom Street, Kalamazoo, MI 49007

1670 Lincoln Road, Allegan, MI 49010

DRAWN BY: A. EUBANKS

CHECKED BY: ADS

KALAMAZOO COUNTY
LAND BANK

PARCEL INFO PER
CITY OF KALAMAZOO GIS

06-23-320-201